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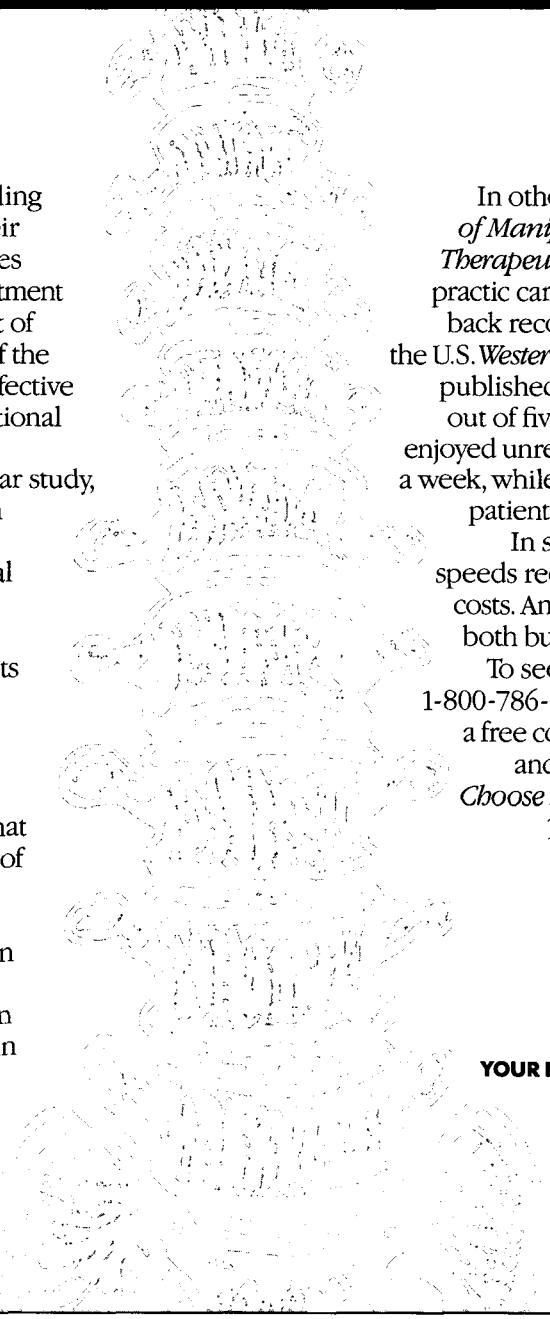

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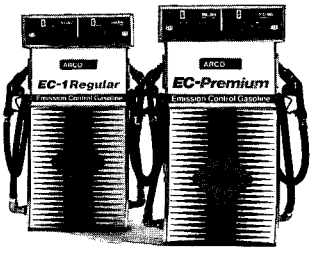

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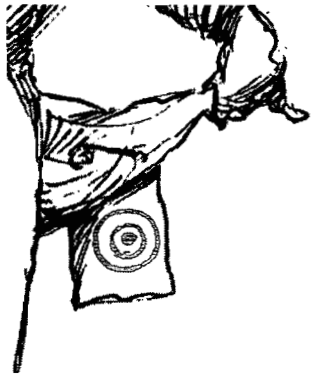

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UP FRONT

Term limits, which became part of the state's political landscape last fall with passage of Proposition 140, is the latest California trend to be exported nationwide. Spearheading the effort is the "National Committee to Limit Terms," a special project of People's Advocate — the Sacramento group founded by the late tax-revolt guru Paul Gann. The committee is soliciting funds for a push to establish congressional term limits. In his appeal, committee president Ted Costa, a longtime Gann associate, argues that federal term limits will "get rid of politicians who have made a career out of sitting in the seats of power." Costa then cites three liberals who would be axed: Ted Kennedy (29 years in the Senate) and Barney Frank (11 years in the House) of Massachusetts and Alan Cranston of California (23 years in the Senate). He fails to mention that term limits would also wipe out the careers of some notable conservatives, like South Carolina Senator Strom Thurmond, Illinois Representative Henry Hyde and California's own Bill Dannemeyer and Bob Dornan.

There is something surreal about a political roast. Toss a bunch of people who are normally at each others' throats onto the same dais and you get a lot of faked conviviality. Everyone smiles too much, chuckles too conspicuously, assumes too much of a good-natured front. Still, the competitive juices flow freely because everyone wants to fire the best jokes, the deepest barbs. Those barbs, however, are liberally spiced with inside jokes, which can entertain an insider audience. And so it was with the 10th annual California Roast, sponsored by Capitol Focus and held April 29th in Sacramento. The 1991 target: Governor Pete Wilson, who was taken to task by San Diego County Supervisor Susan Golding, Attorney General Dan Lungren, Assembly Minority Leader Ross Johnson, Senate pro Tempore David Roberti, Speaker Willie Brown and U.S. Senator John Seymour. Master of ceremonies for the event was former Democratic Assemblyman Mike Roos. By day, Wilson, Brown, Roberti and Johnson are at loggerheads over how to solve the state's ever-deepening budget crisis, Lungren still bears a grudge against Roberti for Roberti's role in nixing his appointment as state treasurer a few years ago, Golding and the others are grumpy with each other over increased financial burdens the state wants to dump onto counties, and Seymour is everyone's favorite political target for 1992 — a position he was placed in by Wilson. A great time was had by all.

Some of the evening's best lines:

- By Roberti, on Wilson's recent proposal to raise taxes: "Isn't it great to have a Democrat finally a governor of California. I couldn't have done it better myself. Tax ... tax ... tax! The hallelujah days are back!"
- By Johnson: "Are there philosophical differences between my caucus and Pete Wilson? Well, while he was announcing his environmental program, our caucus was out hunting spotted owls with AK-47s. Then, we roasted them over an old-growth fire."
- By Brown, on his disagreement with Wilson over no-fault insurance: "I don't want Pete to sign my auto-insurance bill [the California Trial Lawyers Association alternative to insurance-company-backed no-fault] because then I won't have anything to talk to the trial lawyers about."
- By Wilson, on Brown and the Legislature: "I understand that Donald 'Big O' BrOwn has written to the IRS, asking if he can take depreciation on the Legislature."
- Roos, to law-and-order Attorney General Lungren: "Dan has proposed that Daryl Gates change the logo on LA police cars ... to 'Treat Every Man Like a King.'"

Despite all the smiles and camaraderie, the governor provided the real exclamation point on political roasts when he took the podium. "I haven't had this much fun," he said, "since I was stuck in an elevator with [Lieutenant Governor] Leo McCarthy."

After a while, you get the feeling folks just don't like Patti Garamendi. You remember Patti, wife of Insurance Commissioner (and former state Senator) John Garamendi. When John announced for statewide office last year, he resigned from the Senate, timing his departure to give Patti a leg up in a special election to succeed him (see election coverage, *CJ*, April 1990). That election campaign ran concurrently with last November's general election, forcing Patti's chief rival — Democratic Assemblyman Pat Johnston — to run for the Assembly and the Senate at the same time. The ploy didn't work, however, as Johnston trounced Patti in the Democratic primary, then captured the Senate seat in a run-off. Thwarted in her effort to become a senator, Patti next sought to succeed Johnston in the Assembly in a May 14th special election. Result: trounced again (56 percent to 41.5 percent) despite a 20-point Democratic registration edge. The winner was conservative Republican Dean Andal, a Stockton businessman who is said to be a hard-liner on tax increases. Andal's election further complicates Governor Pete Wilson's task of wooing recalcitrant Republicans on the idea of new taxes to help balance the state's enormous budget deficit.

In other May 14th special elections, two Republicans left the Assembly for the state Senate. Tim Leslie captured the 1st Senate District seat vacated in January when John Doolittle was elected to Congress. He defeated Democrat Patti Mattingly 55 percent to 43 percent. And in Orange County, John Lewis defeated Democrat Frank Hoffman in the 35th District vacated when John Seymour was appointed to the U.S. Senate in January.

And in yet another special election, set for June 4th, 14 candidates have filed to replace Democrat Mike Roos in the heavily Democratic 46th Assembly District. Roos resigned to head up an education-reform group in Los Angeles. Among Democrats seeking Roos' seat are John Emerson, 37, chief deputy

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city attorney; Barbara Friedman, 41, former chief of staff to Assemblyman Burt Margolin; Keith Umemoto, 35, an aide to Senate pro Tempore David Roberti. Friedman is backed by the Berman-Waxman political machine; Umemoto is backed by Roberti.

Good deed of the month. Republican U.S. Representative Bill Lowery of San Diego recently invited San Diego hospital officials to a reception for Gail Wilensky, administrator of the U.S. Health Care Financing Administration. That's the federal entity that rides herd on Medicare and Medicaid and sets the rates those programs pay to hospitals. A nice gesture by Lowery, you say? Give the folks back home a chance to shmooze one-on-one with an important federal regulator, you say? Yes, except for a catch. Wilensky was appearing at a Lowery fund raiser, and it was going to cost hospital officials $250 a pop, with proceeds going straight into Lowery's campaign account. The Hospital Council of San Diego and Imperial Counties didn't much like the idea, however. "How would you like to pay $500 to see the person who regulates your life?" a fund-raising expert told *The San Diego Union*. The *Union* also ran a nice picture of Lowery on its May 11th editorial page, under a heading "Access for sale." Lowery postponed the event.

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— James Madison

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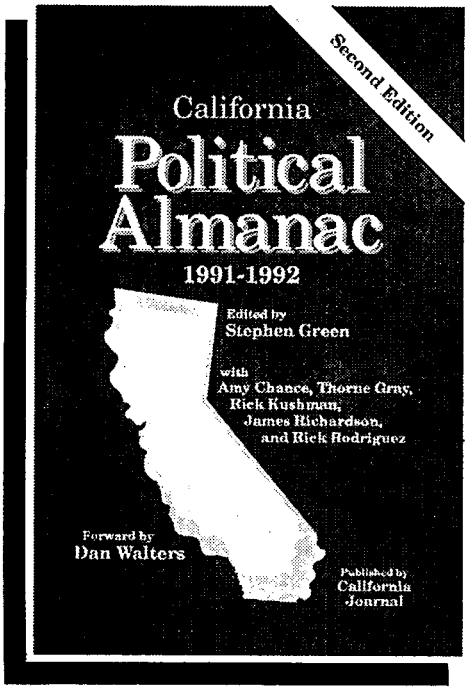

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The Proposition 140 aftermath

Was the "golden handshake" a boon or a bust?

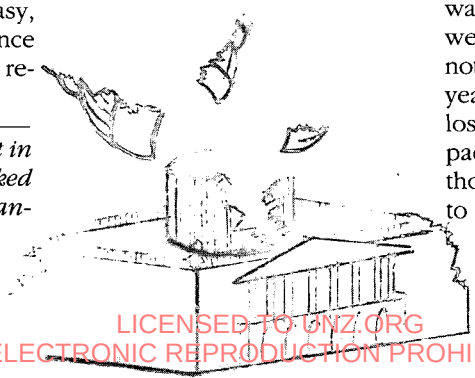
By Catherine Lewis

The Legislature is a tough place to work these days. And apparently that's how the proponents of Proposition 140 wanted it. Approved by voters in November, Proposition 140 is commonly known as the term-limitation initiative. But along with limiting the terms of the state's elected officers, Proposition 140 eliminated the lawmakers' pension system and mandated a 38 percent cut in the Legislature's budget, which translated into mass staff reductions.

Michael Reese, Speaker Willie Brown's press secretary, recalls the moment he first realized the magnitude of the staff exodus.

"Every Friday at two o'clock, we have a meeting of all the policy consultants around a 15-foot long conference table. The day the cuts went into effect, the speaker summoned the surviving consultants and we sat around a little round table in his office with an easy, comfortable fit. Half of us were gone." Since that time, Reese says, the mood has remained glum.

Catherine Lewis, a graduate student in journalism at Stanford, formerly worked for a political consulting firm in San Francisco.



Knowing that the Legislature would have to reduce its budget from $165 million last fiscal year to $114 million in the year beginning July 1, 1991, both the Assembly and Senate approved severance or "golden handshake" packages for employees with at least two years' service who left before January 31st. Approximately 650 out of the 2500 legislative employees opted to take the package, which consisted of five months' pay, or two years' credit on their retirement plans, and compensation for unused vacation days.

Ray LeBov, an attorney who left the Assembly Judiciary Committee after 12 years, listed three main reasons why he thinks people decided to leave. First, he said, staff members interested in substantive policy issues feared the cuts would make it "virtually impossible" to accomplish what they wanted legislatively. Second, he said, people were told that unused vacation days would not be credited beyond the beginning of the year and that those who didn't leave risked losing them, making it hard to resist the package financially. And finally, LeBov said those who left were the people most likely to find a job on the "outside."

In addition, some staffers earned wind-

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falls by leaving the Legislature, pocketing "golden handshake" benefits, then accepting other, higher-paying jobs in state government. For example, according to *The Sacramento Bee*, Kathleen Hamilton left a $73,656-a-year job as Senate Democratic Caucus coordinator, accepted $30,690 in severance pay, and landed a new position as executive director of the state Health Facilities Financing Authority at $86,196 a year. Similarly, Annette Porini took $30,980 in severance and was appointed executive director of the State Pollution Control Financing Authority at $86,196 a year — a $14,000 raise over her salary as a top aide to Democratic Assemblyman Tom Hannigan of Fairfield. There is, of course, a flip side to these success stories as many former staffers struggle to find any employment more than four months after leaving the Legislature's payroll.

While people within the Capitol generally were pleased with how the staff cuts were handled, some outside observers think the Legislature should have dealt with the issue more directly.

Walter Zelman, the former executive director of Common Cause who now works for Insurance Commissioner John Garamendi, called the cuts "very humane and very generous, but probably not the best way to handle things." He suggested that the Legislature should have used the eight months it had between November, when the initiative was approved, and July, when the cuts will go into effect, to carefully evaluate where reductions could be made, and then "surgically" make those cuts.

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Instead, Zelman said, the Legislature created a system that encouraged some of the most valuable and marketable employees — those with substantive policy knowledge — to seek employment elsewhere. He acknowledged, however, that no matter how it was handled, any 40 percent staff cut would devastate the Legislature.

While others have criticized the severance as being too generous, Cliff Berg, executive officer of the Senate Rules Committee, said the Legislature handled the matter in the only way it deemed fair. He added that close to 80 of the 200 employees who left the Senate still don't have jobs and that the Senate still has another 100 to 150 people to cut.

One of those let go was Tom Porter, who worked in the Capitol for 20 years and was the senior consultant for the Assembly Committee on Aging and Long Term Care. A week and a half before the January deadline, committee chairman Lloyd Connelly informed Porter and the three other staff members that the committee was being abolished and that only one of them, a secretary, would be absorbed into Connelly's personal staff.

Because of the short notice, Porter had no opportunity to take advantage of other jobs being offered in state service. As a result, he said, "Twenty years of work in a system I believed in were over."

While Porter is philosophical about how legislators handled the cuts, he says the depression and self-doubt associated with being laid-off are hard to get over. He has sought counseling for himself, his wife and their four children, because "this affects everybody." And he has joined the Capitol Professional Network, a support group for those looking for jobs. After four months of searching, Porter has several leads for part-time consulting work.

Aside from the disruption in the lives of those who lost their jobs, the bigger concern is what the loss of qualified people like Porter means for public policy-making in California's Capitol.

Bruce Cain, a political scientist at the University of California at Berkeley who studies California politics, equated the change to going from a "Cadillac to a Toyota."

"It's well known that a large number of the experienced people either retired or found positions in other places," Cain said. This, he said, can only lead to a decline in the quality of analysis, oversight and planning done by the Legislature.

The Assembly Ways and Means Committee, which handles more bills than any other committee in either house, lost 12 of its 32 staff members, including its experts on taxation, local government, public schools and toxic problems.

"I lost half my staff," said a disconcerted John Vasconcellos, the San Jose Democrat who is chairman of the Ways and Means Committee and a 25-year veteran of the Assembly. "Those who stayed said, 'Do we have to work longer and harder to make up for those who left?' I said, 'No.' Because if they had to do that, they would have all left. I would have had no staff on February 1st."

With his staff reduced by almost 40 percent, Vasconcellos said his office simply cannot do the work it once did. His staff answers fewer letters. District representatives no longer attend community functions or make appearances. And constituents who call his district office may find an answering machine rather than a real person on the other end of the line.

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Vasconcellos also has been affected personally and has returned to therapy to help him deal with the upheaval of emotions the change has wrought.

Senator Gary Hart, a Santa Barbara Democrat, said that Proposition 140 forced him to close one of his three district offices. That office, in Woodland Hills, represented 100,000 constituents, Hart said. "And now those people have to go to another office which is already serving 400,000 constituents and has one person staffing it."

Although he will soon add another person to help with the load, Hart said he thinks two people to serve the needs of half-a-million constituents is a disgraceful ratio.

Hart also lost three of the four consultants on his Senate Education Committee, leaving only one senior staff member to handle the policy load for one of the busiest committees in the Legislature. Since that time, Hart has brought a second consultant over from the Senate Appropriations Committee. But there is no way, he said, that two can do the work once done by four. And he worried about the inevitable staff burnout.

"This week we had 49 bills to analyze. [The consultants] worked all day both Saturday and Sunday. You may be able to keep that up for three months or even six months, but not forever," Hart said.

Hart echoed the concern of many in the Capitol when he said that short-term "crisis management" necessitated by truncated staffs will hurt the Legislature's ability to work on the type of comprehensive long-term legislation he finds rewarding. He said he fears the time for legislators to do original research and "propose, discuss and massage their own ideas" will be lost along with the talented committee consultants.

"It will always be easy to have someone come to you and ask you to propose something and to then simply decide whether or not you want to do it," Hart said. "But that's not what I find satisfying." Nor is it the type of situation that is likely to lead to systematic or structural changes in state government.

Elisabeth Kersten, director of the Senate Office of Research (SOR), had her staff nearly cut in half. She said she believes the Proposition 140 cuts will lead to a dramatic change in the way the Legislature approaches California's problems.

"SOR's mission is to provide a quick response to members' requests for information and to conduct long-term studies on major challenges facing California," she said. But with the loss of its experts on taxation, toxics, AIDS and other major issues, Kersten doesn't see how her office will be able to initiate any long-term projects. Instead, she said, they will be operating in a reactive mode, responding to members' quick turn-around requests rather than looking forward.

To illustrate the types of studies that may not be done in the future, Kersten gave the example of a tracking study her office did on "crack babies" five years ago to better help the Legislature plan for their special health-care and educa-

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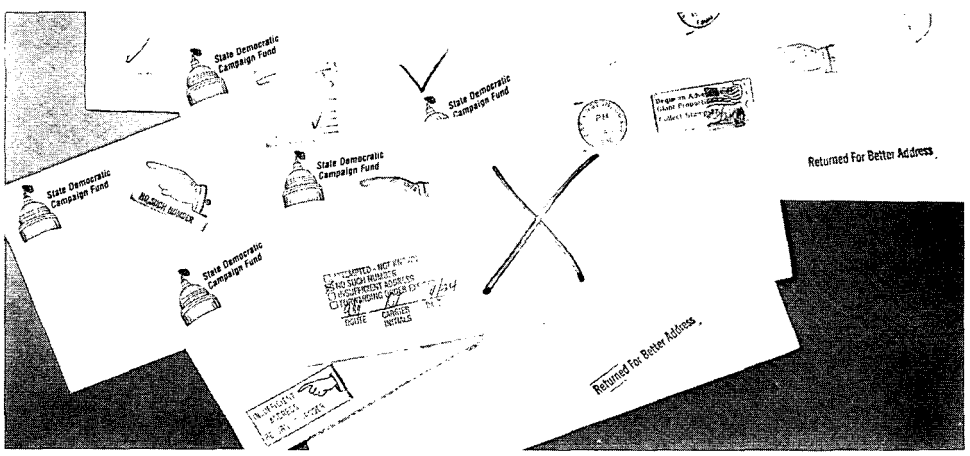

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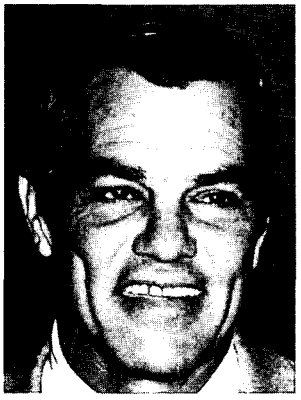
tional needs just occurring now.

Pete Schabarum, the former Los Angeles County supervisor who authored the initiative, said the 40 percent staff cut was a decision made by legislators and not by the proponents of Proposition 140. "There was no reference in Proposition 140 to cutting staff. Cutting staff was their choice," Schabarum said.

"There's a big difference between what 140 said and what the Legislature did," said Assemblyman Tom McClintock, an avid supporter of the initiative. McClintock said the severance package was "extravagant in the extreme" and only encouraged the best and the brightest to go, leaving the Legislature with "political hacks who have no other employable job skills." Those, he said, "were exactly the people that Proposition 140 attempted to get off the public trough."



Schabarum

McClintock said many resignations, such as a much-written-about exodus from the Assembly chief clerk's office, were a result of the overly generous severance packages, not Proposition 140. He said that although all those who left the clerk's office were eligible for, and took, the severance package, none had been slated for cutbacks. "Those weren't 140 cuts," McClintock said. "Those were cuts made because of the incompetent way 140 was handled by the Legislature."

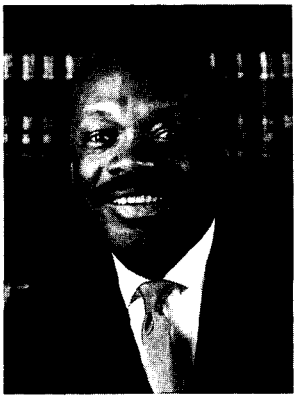
Those who dislike the initiative also fear that the deep cuts in staffing will lead to an unprecedented rise in the power of lobbyists. Assembly Democratic Majority Leader Tom Hannigan called the situation an open invitation for lobbyists to provide their own analyses to legislators. Combining the effects of staff cuts with inexperienced lawmakers, he believes, will give these analyses more impact than ever.

Lobbyist John Quimby, a former member of the Assembly, said he deplores Proposition 140 as a citizen but selfishly loves it as a lobbyist."I go to a member today and say, 'Put this bill in for me and I'll do all the staff work for you,'" Quimby said. "'I'll do the bill announcement. Analyze the bill.' And they'll do it. And after it's assigned to committee, I'll do all the amendments." Quimby added that he believes other lobbyists will do the same thing.

"The type of lobbyists who are going to benefit from this are the ones who rely on money and those with narrow interests," such as slipping a piece of favorable language into a piece of legislation, said John Mockler, a long-time Sacramento lobbyist on education issues. But, said Mockler, those lobbyists who want to affect broader policy changes will be hurt by Proposition 140 "to the extent that it will attract lower quality staff with less technical experience." This staff, he reasoned, will be less likely to produce bills in a timely manner and won't have the ability to discern between good and bad ideas.

"Good policy-making avails itself well to all people." Mockler said. But he said he fears that "good policy-making" is exactly what will suffer under Proposition 140.

The best-known section of Proposition 140 is the portion that limits Assembly members to three terms, or six years, and senators and statewide constitutional officers (except for insurance commissioner) to two terms, or eight years each. The limits became effective with the November 1990 election. For example, current Assembly members will be eligible to serve for two more terms.



Brown

Debate exists as to whether the term limits are restrictions for life. Opponents of the measure say they are. But Attorney General Dan Lungren contends that it only limits the number of years that incumbents may serve consecutively; after remaining out of office for at least one term, he says, individuals would be able to run again for the same office.

The proponents of Proposition 140 designed the term limits to rid Sacramento of career politicians. Instead of a cadre of professional "pols," Schabarum — a lifetime politician himself — and those who supported the measure envision a body of "citizen legislators" who will come to the Capitol burning with fresh ideas.

Those who come to serve a six- or eight-year term, according to McClintock, who has already been in the Assembly for nine years, are "the people who want to accomplish something."

McClintock said he believes Proposition 140 will attract people who will "by and large be those who are temporarily interrupting their own careers specifically because they wish to accomplish something and return to those careers."

But Zelman, fresh from defeat in the election for insurance commissioner last November, said the citizen legislator is simply a fiction. "For the most part, citizens just do not run," Zelman said. "Running for office is a career unto itself. You don't just decide to run. You plan for several years and you're raising money, developing contacts."

Quimby agreed that the current campaign structure leaves little room for novice politicians.

"I don't know how they're going to get that wonderful teacher, that great lady, to spend the $850,000 it's going to take to come up here for six years. Where do we come up with the money to get her here?" Quimby asked.

Many in Sacramento are worried that limiting terms without changing campaign spending — either through spending limits or public financing — will change the faces in Sacramento but little else. Willie Brown theorizes that people who leave a career knowing they will return to it after just a few years in office are even more likely than current legislators to be tied to the special interests of that industry or business.

"Look at the Senate," said Zelman. "You're going to have one-third learning and one-third leaving at all times. A very large portion of those leaving will no longer be interested in the institution." Instead, he said, they'll be looking either up the political spectrum, or out into the private sector for whoever can offer them the best job. "It's terribly unhealthy."

"Remember," said Quimby, "we're only getting one term out of each senator. The minute he gets re-elected, he's a

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lame duck and looking for a job."

While the full effect of term limits won't be felt until 1996, when all but a few of the state's legislators will be out of office, those in and around the Capitol say changes are already evident.

Democratic Assemblyman Jerry Eaves is said to be thinking about returning to his district to run for a seat on the San Bernardino County Board of Supervisors. While lower than the Assembly on the political "food chain," most county supervisors don't face limited terms and many are better paid than state legislators.

Assemblyman Hannigan, one of the most widely respected members of the Legislature, said the passage of Proposition 140 made him "seriously think about a private-sector alternative, such as re-entering the real-estate industry." Others in the Capitol have speculated that Hannigan will leave the Assembly to run for a congressional seat, something that previously had been predicted as occurring further into the future.

Most legislators are staying put until the results of the Proposition 140 lawsuit in the California Supreme Court (see story, below) are in. But if term limits are upheld, an exodus of members can be expected even before their terms are officially up.

"They'll be gone at the first sign of an opportunity," predicted Zelman, who is by no means alone in his thinking.

With simultaneous delight and disdain, Schabarum predicted that, "If Proposition 140 stays on the books, Willie Brown won't be around. He'll be living in San Francisco enjoying a very healthy retirement and a very lucrative law practice."

Those who favor term limits believe that breaking the cycle of incumbency and injecting fresh faces into the leadership will make legislators more responsive to their constituents and better able to tackle the problems facing California. More specifically, they hope to sever the Legislature's long-standing ties to special interests.

But those who fear the loss of strong, charismatic leaders such as Willie Brown and David Roberti say Proposition 140 will make it more difficult to pass important legislation and to keep legislators who are looking for private-sector jobs closely aligned with special interests.

Their concerns are three-fold. First, in a state where reaching consensus on any issue is becoming increasingly difficult, they say the need for a strong leader to bring the members together is crucial.

"If you want to move people, if you want to change things, you can't just walk in and say, 'Oh, I know all about

The Proposition 140 legal challenge

Petitioners

The California Legislature, along with private individuals and organizations such as the California Teachers Association, have filed a challenge to the constitutionality of Proposition 140 with the California Supreme Court. The Court's ruling is expected in early July. The primary arguments raised against the measure in the lawsuit are:

- It is a constitutional revision rather than amendment because it has such a profound impact on the Legislature. Constitutional revisions cannot be accomplished through the initiative process.
- It violates the single-subject rule, which mandates that all subjects contained in a single initiative must be germane to one another.
- Term limitations violate the First and 14th Amendments of the U.S. Constitution, guaranteeing equal protection of the laws.
- The campaign illegally singled out Willie Brown and David Roberti for punishment by the voters. This is illegal under the federal bill of attainder prohibiting laws aimed at specific individuals.
- Termination of the legislators' retirement system violates the contract clause of the U.S. Constitution.

Respondents

Attorney General Dan Lungren has filed a court brief in defense of Proposition 140, stating that the voters enacted the measure "to address what they perceived to be a real problem in institutional government, not the individual personalities that currently comprise its bodies." Other respondents in the case include Secretary of State March Fong Eu and the Public Employees Retirement System (PERS).

The attorney general responds to petitioners' charges in this way:

- It is not a constitutional revision because it does not effect a change in the pre-existing basic plan of government. Shifts of power between the branches have frequently resulted from earlier amendments and are contemplated by the Constitution itself.
- It does not violate the First or 14th Amendments because it does not impose a lifetime limit on candidacy. Elected officials could run again after sitting out one term.
- It does not violate the single-subject rule, because as determined by the guideline the court established in the Proposition 99 (tobacco tax) case, it is "reasonably germane."
- It does not violate the bill of attainder because term limits apply to everyone, not just specific individuals.
- The California Constitution provides for future legislative acts to limit legislative pensions. The passage of an initiative is such a legislative act.

— Catherine Lewis

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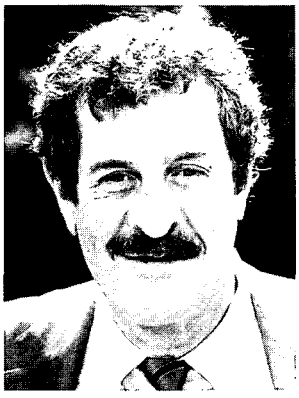
something,'" said Vasconcellos. "You have to prove yourself smart, knowledgeable and trustworthy in order to lead people. It takes a long time before you're able to move peoples' minds and hearts into reform."

"Whoever gets elected speaker is the guy who has the best-looking tie," said Quimby. "No one is going to be around here long enough to pick the real talent to do the job."



Vasconcellos

Second, many fear that a Legislature devoid of leaders with more than six or even eight years of experience will no longer be equal to either the executive or the judicial branches of government in terms of power. And, they say, the 40 percent staff cuts further compound the imbalance.

Lieutenant Governor Leo McCarthy summed up the argument this way in his declaration supporting the anti-Proposition 140 lawsuit:

"The governor has enormous inherent power. ... The Legislature is a different place. Basically it's a forum for public differences. ... [But] after legislation has been hammered down, it's got to organize to group action. If it is weakened by incohesive leadership, it can't compete with the executive branch."

A third fear is that legislators who can only hope to serve two or three terms will be less inspired to tackle complex issues — such as education and insurance reform — that can take many years to adequately address. Most committee chairmen, those with the highest propensity to undertake such issues, will typically have just one term left to serve.

"There are a lot of dedicated people here," said Rubin Lopez of the Assembly Judiciary Committee. "But if you only have six years, you're going to want to do a project that you know can be completed in four. You want time to evaluate the solution you're working on while you still have time to do something about it."

If that had been the rule of thumb in the past, Lopez said, trial-court reform and major revisions to family law would have been just two of the projects never attempted.

John Knox, a member of the Assembly from 1960 to 1980 and speaker pro tempore from 1975 to 1980, said he didn't really hit his prime in the Legislature until he had served 10 years. "You need to have a feeling for what a law will do, who will enforce it," Knox said. "Working in the Legislature is not just like taking a poll and voting on what's popular."

McClintock said talk of inefficiency and disruption in the balance of power are "straw men" created by legislators to justify their terms in office. Besides, he said, the legislative process has already hit "rock bottom."

"They view this as a lifetime sinecure. As long as they don't make special interests upset, as long as they don't make waves, they can be here as long as they want," McClintock said. "It certainly couldn't be any worse."

Schabarum acknowledged that it is both easy and convenient for legislators and lobbyists to criticize his initiative. But, he said, the arguments levied against it are simply self-serving and the fact remains that the voters of California approved it.

"The Legislature continues to disregard what the people of California are telling them so far as their conduct is concerned," Schabarum said. "I have yet to hear anyone in the Legislature put forth a meaningful proposal or series of proposals that deals with upgrading the governments of the State of California. I challenge them to suggest something."

Roberti

The third portion of Proposition 140 dismantled the Legislative pension system. Those legislators who were "vested" before it took effect are allowed to keep that money, but no new funds will be paid into their retirement accounts. Legislators who were not vested will receive nothing from the fund. Schabarum said he wrote the pension portion of the initiative to serve as a disincentive for career politicians.

However, many in the Capitol believe that it was simply a punitive move against legislators.

"We have term limits that forbid us from staying past six years. The idea that this is a disincentive is ludicrous," said Assemblywoman Delaine Eastin. "It's a punishment. And no good business anywhere would handle things this way."

Senator Bill Leonard, chairman of the Senate Republican Caucus, said the combined effect of limiting terms and dissolving pensions is going to make it harder than ever to recruit good candidates.

"It is very difficult to recruit to run for the Legislature anyway," Leonard said. "You're asking success-oriented people to set aside their careers to spend a year of their life campaigning. And they're not making money at their job or their life or profession and they're not being with their family."

Rick Rollens now has three jobs instead of two. Along with serving as chief committee consultant to the Senate Rules Committee and overseeing the floor analysis, Rollens is now secretary of the Senate. In that role, he serves as the body's chief parliamentarian and presiding officer. "I just don't let anything sit for too long," said Rollens, trying to explain how he can do the work of three people. He does admit that once the Senate gets busy he is going to have his hands full. "I will be presiding over the floor at the same time people will have questions about bill analyses. I'll also be assigning Assembly bills to committee during that period."

Lopez, chief counsel for the Judiciary Committee, lost two of his five experienced attorneys. Together, they took with them a total of 17 years' experience. And he now faces the possibility of carrying on without the experience of committee chairman Phil Isenberg if term limitations are upheld.

"We can't replace them. We can't recapture that knowledge, the sense of history," Lopez said. "Someone is doing their job. But whether it's being done as well, we'll never know.

"It's not the job I had six months ago," he said. "Whether it's still worth doing six months from now is left to be seen.

"I'm not sticking around to turn out the lights."

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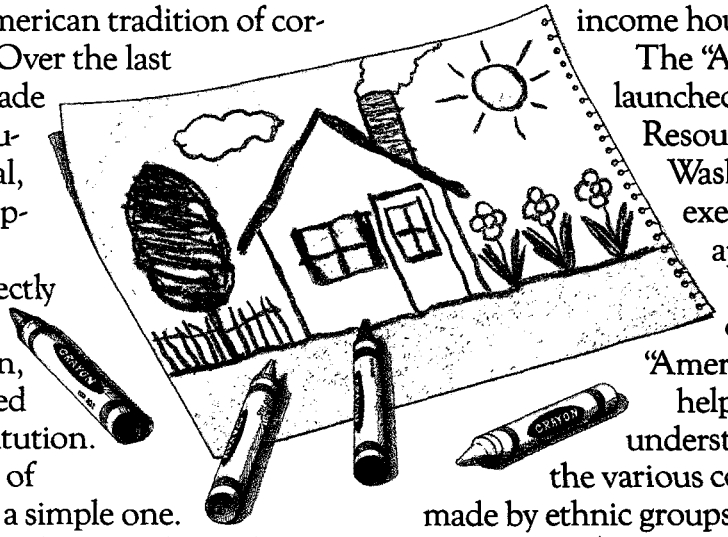
Hitachi is honored to participate in this particularly American tradition of corporate generosity. Over the last decade, we have made numerous contributions to educational, community development, and social programs both directly and through The Hitachi Foundation, a company-endowed philanthropic institution.



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The Delaware Valley Community Reinvestment Fund is a perfect example of the kinds of programs we support. This non-profit organization helps low-income and minority families to obtain housing in Philadelphia. Over the next few years, the DVRF will use a five-year, $100,000 loan from The Hitachi Foundation to establish a loan fund. The fund will be used to create low-interest loans for as many as 20 low-income housing borrowers.

The "Americans All" project launched by the Educational Resources Group in Washington, D.C., also exemplifies Hitachi's approach to giving. Through the study of immigration, "Americans All" seeks to help school children understand and appreciate the various contributions made by ethnic groups to American society. A two-year, $120,000 grant from The Hitachi Foundation is supporting a pilot "Americans All" project in San Diego.

Hitachi is proud to contribute to such worthwhile social and educational programs. We believe that they can make a positive contribution to the lives of all Americans.

For more information, write: Hitachi, P.O. Box 35146, Los Angeles, CA 90035.

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THE GREAT BEYOND

Is there life after the Legislature?

By Gale Cook

Assembly + Mayor of San Diego + U. S. Senate = Governor of California. That's the thumbnail career of Pete Wilson.

Here's another: Assembly + state Senate + Attorney General = Governor. That's a synopsis of the political climb of Wilson's immediate predecessor, George Deukmejian.

Still another: Coro Foundatation intern/student-of-government + legislative aide + Assembly = U. S. Congressman. That's Vic Fazio, today a powerful figure in California's delegation on Capitol Hill.

And something a little different: Cal-49ers football star + six years Assembly + 18 years Los Angeles County supervisor = Republican Pete Schabarum, the November 1990 nemesis of the California Legislature. His epitaph is Proposition 140, by which hac-enough voters imposed term limits on members of the Legislature, slashed their budget and took away their state pension system.

So what did Proposition 140 accomplish, assuming it is not be stricken from the rolls by the state Supreme Court? Did it restore that wishfully invoked image of the past, the "citizen legislature," in which civic-minded volunteers gave part of their time to law-making?

Gale Cook, a former Capitol bureau chief for the San Francisco Examiner, *is a freelance writer from El Macero.*

Negative. The clock doesn't run backward.

Does it compel legislators to rely on lobbyists for research previously done by departing staffers, as Proposition 140 opponents said it would? Perhaps. Who knows? It sure cut the Legislature's budget.

Turning to history, the case can be made that term limits will inspire members of the Legislature to get on sooner to higher posts with better pay, whether in public life or the private sector.

The record is clear about that. The California Legislature is the stepping stone to bigger things. A quick look around today makes that obvious.

- Former Assemblyman Pete Wilson, Republican of San Diego, is in the governor's chair.
- The former speaker of the Assembly, Democrat Leo McCarthy, is beginning his third term as lieutenant governor.
- Former Assemblywoman March Fong Eu, Democrat of Oakland, is the secretary of state, as she has been since 1974.
- Democrat Gray Davis of Los Angeles is the state controller, a post he won after four years in the Assembly, preceded by several years as chief of staff to former former Governor Jerry Brown.
- The new state insurance commissioner, Democrat John Garamendi of Walnut Grove, was elected to that office after two years in the Assembly and 14 in the Senate.

Continued on next page

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- ***Committee procedure and the art of testifying***
- ***Advocacy*** — adjusting strategies for '91
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July 10	**Bill Analysis Workshop**	Sacramento
July 26	**Advocacy and the Volunteer ...** a brown-bag workshop on effective participation in the law-making process	Sacramento
AUGUST		
August 7	**Bill Analysis Workshop**	Sacramento
August 9	**Demystifying the State Budget Process**	Sacramento
August 15	**Rules and Regulations**	Sacramento
August 16	**Advocacy — what works and what doesn't**	Sacramento
August 28-30	**Special Three-Day program (special fee)** • **budget basics** • **Legislative Process & Tracking** • **Bill Analysis Workshop**	**Los Angeles**

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• Nineteen of California's 45 present members of Congress went to Washington directly from the Assembly or the Senate. The newest of these is Republican John Doolittle of Roseville, who jumped ship from the Senate in perfect step with Proposition 140 and took the congressional seat vacated by Norman Shumway of Stockton.

• The new Republican U.S. senator, John Seymour of Anaheim, gave up his state Senate seat to accept appointment from Governor Wilson.

The first state lawmaker to take a hike from the Schabarumized, new-look Legislature was Assembly Speaker pro Tempore Mike Roos of Los Angeles, a smart, politics-wise Democrat from Los Angeles. He said goodbye in March to his $52,500-a-year Assembly seat, which he had held for 13 years, and took a six-figure-salary job as head of a Los Angeles civic group called LEARN. Its high-visibility function will be to pump life and money into the ailing Los Angeles Unified School District, whose pupils are 86 percent minorities.

Roos swears it was simply an offer he couldn't refuse, not term limits, that drew him out of the Legislature. It was

Wilson

Agnos

just coincidence that he heard a "greater calling," as he put it.

"Until December I could pass a lie-detector test that I would stay in the Legislature at least through reapportionment," he said.

Roos in the past has indicated an interest in becoming mayor of Los Angeles. Does this move mean he is out of politics?

"My God, I hope not," he said.

Some state lawmakers make it to Sacramento after gaining name-recognition in hometown or county politics. Paradoxically, some in the Legislature sniff the air and find power and higher pay going the other way. Wilson, as mentioned, left the Assembly to become mayor of his home town.

Democratic Assemblyman Art Agnos went back to San Francisco to become mayor at a current salary of $122,356. He's campaigning for a second term. Assemblyman Elihu Harris went home to Oakland in November and won election as mayor. He is paid $80,000 a year.

Then there was the previously mentioned Schabarum, who happily left the Assembly after six years to accept appointment by then-Governor Ronald Reagan to a 1972 vacancy on the Los Angeles County Board of Supervisors.

Democrat Gloria Molina quit the Assembly to become a

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member of the Los Angeles City Council. In November she won a knock-down, drag-out fight with state Senator Art Torres, another Democrat, to become a Los Angeles County supervisor, taking the seat from which Schabarum retired.

Democrats Nate Holden and Richard Alatorre left their respective Senate and Assembly seats and went on the Los Angeles City Council. Former Assemblyman Mike Antonovich is an LA County supervisor. LA council members are paid $90,679 a year; supervisors get $99,297 a year.

And from those high-profile, on-TV-every-day jobs, there's just no telling where a person might go.

Fifteen of California's 36 governors came to that office after first serving in the Legislature.

These are the numbers of other state constitutional officers and California members of Congress who have moved up from the Assembly or the state Senate since 1850:

- lieutenant governor — 24 of 43
- secretary of state — 11 of 25
- controller — 12 of 28
- treasurer — 6 of 27
- attorney general — 8 of 29
- Board of Equalization members — 10 of 50

Congress members from Legislature:

Anderson, Glenn (A) D-Hawthorne, 1969-
Badham, Robert (A) R-Newport Beach, 1977-87
Barlow, Charles (A) D-San Luis Obispo, 1887-99
Beilenson, Anthony (S) D-Los Angeles, 1977-
Bell, Charles (S) R-Pasadena, 1913-15
Benedict, H. Stanley (AS) R-Los Angeles, 1916-17
Berman, Howard (A) D-Los Angeles, 1983-
Berry, Campbell (A), A, D-Wheatland, 1879-83.
Bidwell, John (S) Un-Chico, 1865-67
Biggs, Marion (A) D-Gridley, 1887-91
Booth, Newton (S) D-Sacramento, 1875-81
Bosco, Douglas (A) D-Occidental, 1983-90
Bowers, William (A) R-San Diego, 1891-97
Bradley, Willis W. (A) R-Long Beach, 1947-49
Brown, George E. Jr. (A) D-Riverside, 1963-
Burch, John (AS) D-Weaverville, 1859-61
Burgener, Clair (AS) La Jolla, 1973-83
Burkhalter, Everett (A) D-North Hollywood, 1963-65
Burton, John (A) D-San Francisco, 1974-83
Burton, Phillip (A) San Francisco, 1964-83
Cameron, Ronald (A) D-Whittier, 1963-67
Caminetti, Anthony (S) D-Jackson, 1891-95
Chappie, Eugene (A) R-Chico, 1983-87
Clayton, Charles (A) R-San Francisco, 1873-75
Clunie, Thomas (A) D-San Francisco, 1889-91
Coghlan, John (A) R-Suisun Sity, 1871-73
Collins, Samuel (A) R-Fullerton, 1933-37
Condit, Gary (A) D-Modesto, 1989-
Condon, Robert (A) D-Walnut Creek, 1953-55
Coombs, Frank (A) R-Napa, 1901-03
Danielson, George (AS) D-Los Angeles, 1971-83
Dannemeyer, William (A) R-Fullerton, 1979-
DeHaven, John, (A) R-Eureka, 1889-90
Dixon, Julian (A) D-Los Angeles, 1979-
Doolittle, John (S) R-Roseville, 1990-
Dymally, Mervyn (AS) D-Compton, 1981-
Engle, Clair (S) D-Red Bluff, 1943-59
English, Warren (S) D-Oakland, 1894-95
Fazio, Vic (A) D-Sacramento, 1979-
Felton, Charles (A) San Francisco, 1885-89
Geyer, Lee (A) D-Gardena, 1939-41
Gillett, James (S) R—Eureka, 1903-06
Grisham, Wayne (A) R-LaMirada, 1979-83
Gubser, Charles (A) R-Gilroy, 1953-75
Hagen, Harlen (A) D-Hanford, 1953-67
Hanna, Richard (A) R-Anaheim, 1963-75
Hawkins, Augustus (A) D-Los Angeles, 1963-90
Henley, Earcay (A) D-Santa Rosa, 1883-87
Herbert, Philamon (A) D-Mariposa, 1855-57
Herger, Wally (A) R-Yuba City, 1987-
Higby, William (A) R-Mokelumne Hill, 1963-69
Hillborn, Samuel (S) R-Oakland, 1892-99
Johnson, Grove (AS) R-Sacramento, 1895-97
Johnson, Harold T. (S) D-Roseville, 1959-81
Johnson, James (AS) D-Downieville, 1867-71
Kahn, Julius (A) R-San Francisco, 1899-1924
Ketchum, William (A) R-Bakersfield, 1973-78
King, Cecil, D-Inglewood, 1942-69
Knowland, Joseph (AS) R-Alameda, 1904-15
Konnyu, Ernest (A) R-San Jose, 1987-88
Lagomarsino, Robert (S) R-Ventura, 1974-
Leggett, Robert (A) D-Vallejo, 1963-79
Lehman, Richard (A) D-Sanger, 1983-
Levine, Mel (A) D-Santa Monica, 1983-
Lewis, Jerry (A) R-San Bernardino, 1979-
Lipscomb, Glenard (A) Los Angeles, 1954-70
Loud, Eugene (A) R-San Francisco, 1891-1903
Luttrell, John (A) D-Santa Rosa, 1873-79
McCorkle, Joseph (A) D-San Francisco, 1851-53
McFall, John (A) D-Manteca, 1957-79
McKenna, Joseph (A) R-Suisun, 1885-92
McKibbin, Joseph (S) D-Downieville, 1857-59
Maguire, James (A) D-San Francisco, 1893-99
Martinez, Matthew (A) D-Monterey Park, 1982-
Moorhead, Carlos (A) R-Glendale, 1973-
Moss, John (A) D-Sacramento, 1953-79.
Pacheco, Romualdo (S) R-San Luis Obispo, 1877-83
Patterson, Ellis (A) D-Los Angeles, 1945-47
Phelps, Timothy (S) R-San Mateo, 1861-63
Phillips, John (S) R-Banning, 1943-57
Randall, Charles (A) D,R-Los Angeles, 1915-21
Rees, Thomas (S) D-Los Angeles, 1966-77
Ryan, Leo (A) D-Belmont, 1973-78
Schmitz, John (S) R-Santa Ana, 1970-73
Scudder, Hubert (A) R-Sebastopol, 1949-59
Shannon, Thomas (S) R-Quincy, 1863-65
Shelley, John (S) D-San Francisco, 1950-64
Smith, H. Allen (A) R-Glendale, 1957-73
Thomas, William (A) R-Bakersfield, 1979-
Utt, James (A) R-Santa Ana, 1963-70
Waldie, Jerome (A) D-Antioch, 1966-75
Waters, Maxine (A) D-Los Angeles, 1990-
Waxman, Henry (A) D-Los Angeles, 1975-
Welch, Richard (S) R-San Francisco, 1926-59
Werdel, Thomas (A) R-Bakersfield, 1949-53
Yorty, Sam (A) D-Los Angeles, 1951-55

A-Assembly, S-Senate

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• members of Congress — 96 of 286

Curiously, even one of the state's 23 superintendents of public instruction came from the Legislature. He was Ira Hoitt, a Republican (the job wasn't non-partisan until 1919) who served in the 1881 Assembly and was schools chief from 1887 to 1891. Not surprisingly, he was from that very poliltical city, San Francisco.

Success in private enterprise and the professional life are goals regularly attained by those departing the Legislature. Comfortable jobs with big law firms are common landing zones.

And then there is lobbying. As is well known, everything that is anything has a lobbyist in Sacramento — agriculture, business, sports teams, industry, labor, race tracks, cities, counties, school districts, motion pictures, Tailored Baby Inc., the Zoological Society of San Diego. Name it and it has a lobbyist. Even the lobbyists have a lobby of sorts, the Institute of Governmental Advocates, whose president, Paul Henry, never a legislator, is Pacific Bell's man in the Capitol.

Many former lawmakers are lobbyists. They know the rules of the game and most of the players, and they play it well. A speed read through the secretary of state's Lobbyist Registration Directory shows about 25 former members of the Senate and Assembly: Biddle, Craig; Briggs, John; Carpenter, Dennis; Cline, Robert; Cologne, Gordon; Duffy, Gordon; Fenton, Jack; Foran, John; Garibaldi, James D.

Constitutional officers from Legislature:

Governors (15 of 36):
Bartlett, Washington (S) D-San Francisco, 1887-91
Bigler, John (A), D-Sacramento, 1852-56
Booth, Newton (S) Un-Sacramento, 1971-75
Deukmejian, George (AS) R-Long Beach, 1983-91
Downey, John (A) D-Los Angeles, 1860-62
Gillett, James (S) R-Del Norte, 1907-11
Irwin, William (AS) D-Siskiyou, 1875-80
Johnson, J. Neely (A), Whig-Sacramento, 1856-58
Merriam, Frank (AS) R-Los Angeles, 1935-39
Olson, Culbert (S) D-Los Angeles, 1939-43
Pacheco, Romualdo (S) R-Santa Barbara, 2/1875-12/75
Pardee, George (A) R-Santa Cruz, 1903-07
Perkins, George (S) R-Butte, 1880-83
Young, C.C. (A) R-Alameda, 1927-31
Wilson, Pete (A) R-San Diego, 1991-

Lieutenant governors (23 of 43):
Anderson, Alden (A) R-Solano, 1903-07
Anderson, Glenn (A) D-Los Angeles, 1959-67
Broderick, David (S) D-San Francisco, 1851-52
Daggett, John (A) D-Del Norte, 1883-87
Downey, John (A) D-Los Angeles, 1/9-1/20/1860
Dymally, Mervyn (A) D-Los Angeles, 1975-79
de la Guerra, Pablo (S) D-Santa Barbara, 1861-62
Eshleman, John (A) Prog-Alameda, 1914-16
Harmer, John (S) R-Los Angeles, 1974-75
Hatfield, George (S) R-Merced, 1935-39
Holden, William (AS) D-Stanislaus, 1967-71
Houser, Frederick F. (A) R-Los Angeles, 1943-47
Irwin, William (AS) R-Santa Barbara, 2/1875-12/75
Johnson, James, (AS) D-Sierra, 1875-80
Machin, T.N. (A) D-Mono, 1863-67
McCarthy, Leo, (A) D-San Francisco, 1983-
Merriam, Frank (A) R-Los Angeles, 1931-35
Neff, Jacob (S) R-Placer, 1899-1903
Pacheco, Romualdo (S) D-Stanislau, 1871-75
Patterson, Ellis (A) D-Monterey, 1939-43
Powers, Harold (S) R-Plumas, 1953-59
Quinn, Isaac (A) D-Stanislaus, 1860-61
Reddick, John (A) R-Calaveras, 1891-95
White, Stephen (S) D-Los Angeles, 1887-91
Young, C.C. (A) R-Alameda, 1919-27

Secretaries of state (11 of 25):
Beck, Thomas (S) D-Monterey, 1871-1875
Curry, Charles (A) R-San Francisco, 1899-1911
Denver, James (S) D-Trinity, 1853-55
Douglass, David (AS) Whig-San Joaquin, 1856-58
Eu, March Fong (A) D-Oakland, 1974-
Hendricks, William (S) D-Butte, 1887-91
Johnson, Price (S) D-Sacramento, 1860-62
Peek, Paul (A) D-Los Angeles, 1940-43
Redding, Benjamin (A) D-Sierra, 1863-67
Tuttle, A.A.H. (A) D-Tuolumne, 8/1863-12/63
Waite, Edwin (AS) R-Nevada, 1891-94

Treasurers (6 of 27):
Ashley, Delos (AS) R-Monterey, 1862-63
Bates, Bates (A) Whig-Shasta, 1856-57
Green, Will (A) D-Colusa, 1898-99
Pacheco, Romualdo (S) R-Santa Barbara, 1863-67
Reeves, Truman (A) R-San Bernardino, 1899-1907
Unruh, Jesse (A) D-Los Angeles, 1975-89.

Controllers (12 of 28):
Bell, Samuel (A) D-Mariposa, 1854-56
Burton, Edward F (S) Whig-Nevada, 2/1857-4/57
Cory, Kenneth (A) D-Orange, 1975-87
Davis, Gray (A) D-Los Angeles, 1987-
Flournoy, Houston (A) R-Los Angeles, 1967-75
Green, James (AS) R-Contra Costa, 1871-75
Kirkwood, Robert (A) R-Santa Clara, 1953-59
Kuchel, Thomas, (AS) R-Orange, 1946-53
Mandeville, James (A) D-Tuolumne, 12/1875-2/76
Melony, Aaron (AS) D-Nevada, 1858-60
Oulton, George (S) R-Siskiyou, 1863-67
Riley, Harry (A) R-Los Angeles, 1937-46

Board of Equalization members (10 or 50):
Bonelli, William (A) R-Los Angeles, 1938-55
Brown, Alexander (A) R-Calaveras, 1899-1911
Brown, L.W. (A) R-Alameda, 1899-1903
Carpenter, Paul (AS) D-Los Angeles, 1987-91
Cattell, H.G. (A) R-Los Angeles, 1920-35
Heiskell, T.D. (A) D-El Dorado, 1979-83
Johnston, William (AS) R-Sacramento, 4/1882-1/83
Seawell, Jerold (AS) R,D-Nevada, 1947-52
Toland, Thomas (A) D-Ventura, 1899-1903
Wilcoxon, C.F. (A) D-Sutter, 1883-91

(A= Assembly; S= Senate)

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Eu

Unruh

That's a good place to stop: Judge Garibaldi, he is called, because he was briefly on the bench in Merced County after serving in the Assembly (1935, 1937 sessions). He is the elder statesman of ex-lawmaker lobbyists, courtly and old-school, moving slowly, imperially about the Capitol, nodding graciously to acquaintances, speaking few words, signalling his wishes occasionally by the wave of a hand. He has represented the biggest and the best in his time — liquor, the tracks, CEP members, oil, billboards, talent agents, all Blue Chips, which indeed is one of his clients.

Many departing lawmakers just kick back, under the Legislators' Retirement System. But Proposition 140 decreed that, as of November 6, 1990, new legislators may no longer belong to the LRS and must rely on Social Security instead. Those already in LRS can keep their equity and eventually draw retirement pay from it, but cannot increase their equity after last November 6th.

Under LRS, a member draws retirement at a maximum of two-thirds of salary at age 60, or at any age after 20 years' service. Pension pay is based on years of service under a complex formula. Members contributed 8 percent of salary, the state contributed 18.5 percent. Through June 30, 1989, members put up $5.3 million; the state contributed $48 million. About 150 retired legislators are drawing retirement benefits from LRA, as are about 60 widows and other beneficiaries.

Former state legislators now receiving pensions include Congressmen Glenn Anderson, Anthony Beilenson, Mervyn Dymally and Carlos Moorhead, and lobbyists John Briggs, Gordon Cologne, Gordon Duffy, Jack Fenton, John Foran, Joe Gonsalves, John Knox, Alister McAlister and George Zenovich.

Another pensioner is former Senator Joseph Montoya, who had spent almost 19 years in the Legislature before his bribery conviction last year.

High-salaried state boards and commissions are other places where ex-legislators may go, by appointment of the governor. Three current members of the Agricultural Labor Relations Board, at $92,500 a year, are former Republican senators Jim Nielsen, Jim Ellis and Joe Shell.

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California Government & Politics ANNUAL 1991-92

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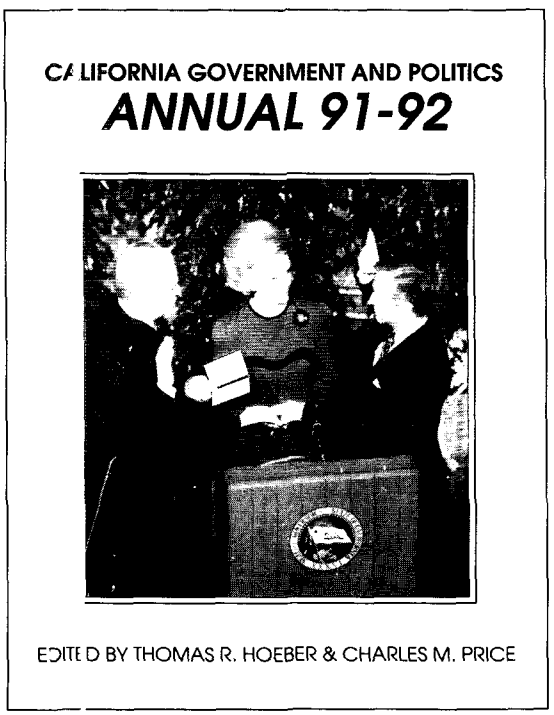

Now in its 22nd edition, *California Journal's* **California Government and Politics Annual** has become a standard resource book for college and university courses in state and local government. It is also a valuable tool for individuals seeking an overview of the California system of government and current political issues.

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IN FRONT OF THE LEADERS ...

" The in-depth articles, the analysis of state issues and the political commentary — that's why I read the *California Journal.*"

Pete Wilson,
Governor of California

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PRESTO ...!

By Daniel Borenstein

To understand the Jerry Brown of the '90s, just look at the former governor's bookcase in the living room of his $1.2 million San Francisco home. Custom-built of solid Honduran mahogany, the $40,000 case spans 28 feet and reaches 13 feet high. An 8-foot rolling ladder leads to the upper shelves.

A picture of his father, former Governor Pat Brown, perches on one of the shelves. "To a great son, with pride and loving, Dad. 12/25/86." In front of the picture, a cast Golden Bear stands atop a Jerusalem Bible.

And then there are the books, organized by subject.

"There's my religion and there's my politics," Brown explains. "So I'm always trying to bring virtue and power together. That's my challenge."

Brown's immediate challenge is to convince voters to take him seriously. With him come memories of a man who talked about alternative energy before it was fashionable, who appointed Rose Bird the first woman to the state Supreme Court, and who left behind a $1.5 billion state shortfall (a paltry sum by today's deficit standards) when he left the governorship.

Jerry Brown is 53 now. Gray hair has spread up the sideburns. But there is no mistaking that this is the same Jerry Brown who traveled to Africa with singer Linda Ronstadt, made occasional trips to a Zen meditation center and passed up the governor's mansion for an apartment.

"Governor Moonbeam" is back, running again for a statewide political office. And the visionary continues to

Daniel Borenstein is political editor of the Contra Costa Times.

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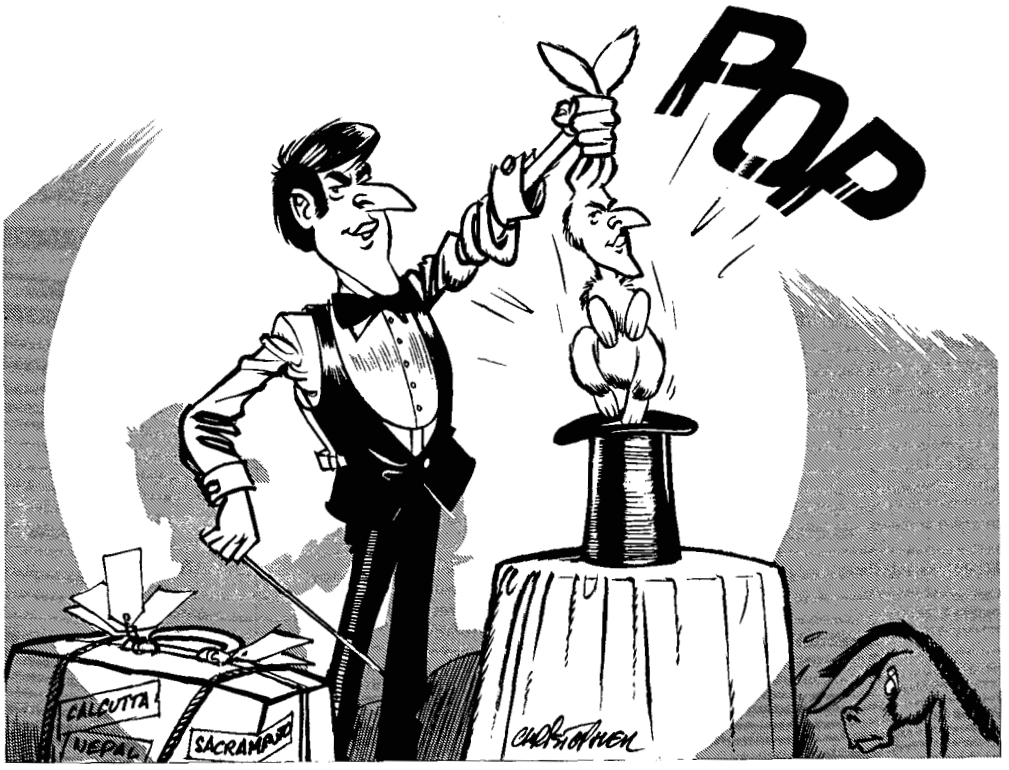
... the new JERRY BROWN!



struggle with follow-through.

Brown's political return began two years ago, when he was elected chairman of the state Democratic Party. When he won that chairmanship, he promised to serve a full, four-year term. "I am not running for anything the next four years," he said. He promised to "mobilize the millions and millions of non-voters" to join the Democratic Party. And he pledged to devote himself to the "nuts and bolts" administrative duties of state chairman — the sort of thing he neglected as governor.

In March 1991, halfway through his term, Brown resigned to run for the U.S. Senate.

"These last two years have been a humbling experience," he confessed to party delegates at their convention in Oakland as he explained why he failed to stem the deterioration of the Democratic majority in state voter registration.

"As I put my mind to the task and the months wore on, I found the party to be a much more complex institution than I had imagined, with its own momentum and its own special character — not easily shifted by one person from above," he told delegates. "It has taught me the profound gap that stands stubbornly between rhetoric and reality."

He later put it more succinctly to reporters: "Frankly, after two years of nuts and bolts, I'm tired of it."

Brown also has tired of the frugal lifestyle that was the trademark of his gubernatorial administration.

"When you're 52," he explained before his birthday in April, "you live a little different from when you're 35."

His home, in San Francisco's posh Pacific Heights neighborhood, is a converted 1893 firehouse he co-owns with his parents. The living area is across the empty, cavernous room where the fire trucks once waited and the bedroom is a floor up, accessible by a cramped elevator that barely holds three people.

It's a one-bedroom flat, with the bookcase and a wide screen television on one side of the massive living and dining room; a grand piano his mother bought 50 years ago and a full-size, wooden Buddhist goddess of compassion on the other.

As governor, Brown slept on a mattress and box spring that rested directly on the floor. For the firehouse, Dave Kent, co-owner of Berkeley Mill and Furniture, says his company built the bookcase and custom, Japanese-style bedroom furniture, which includes a low platform bed with grass mats and a futon on top.

"He's moved off the floor," says Kent, "but only 12 inches."

It is at the glass-top dining room table, 20 feet below a skylight, that Brown likes to work, says his housekeeper. And it is here that he is sitting when the conversation reaches one of his favorite topics: corruption of the political system.

Brown rises from his chair, adjusts his double-breasted coat and turns to the bookcase behind him. An avid reader, he is quick to find a quotation to support his point. This time, it's the comments of Daniel Lowenstein, former chairman of the Fair Political Practices Commission, that appear in "Bribe," by John T. Noonan Jr.

Brown flips directly to the page he wants and begins to read:

"Under our system of campaign finance, Lowenstein contended, 'politicians and interest groups engage routinely not in 'legalized' bribery as is commonly supposed, but in 'felonious' bribery that goes unpunished primarily because the crime is so pervasive.'"

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Brown is angry. Although he brags that the party raised more than $8 million while he was chairman, he finds fund-raising distasteful.

"Politics has degenerated into relentless, almost unending fund-raising to pay very high-priced political consultants to produce often misleading videos to manipulate people to vote one way or another with declining success almost every election," he complains.

Brown pauses before continuing with his thoughts.

Long sentences are a Brown trait, recalls Controller Gray Davis, who was Brown's chief of staff for six years and is now another senatorial hopeful. "His mind," says Davis, "has always worked faster than his ability to speak."

It's been nearly a decade since Brown last ran for U.S. Senate, ending a chapter of his whirlwind political career. Before entering politics, Brown spent four years in a Jesuit seminary in Los Gatos, graduated from the University of California, Berkeley, with a bachelor's degree in the classics, attended Yale Law School and then went to work for a Los Angeles law firm.

In 1969, two years after his father, Pat Brown, left the governor's office, Jerry Brown entered politics by winning election to the Los Angeles Community College Board of Trustees.

Over the next five years, Jerry Brown, riding the family name, became secretary of state and then, at age 36, the youngest California governor in half a century. During the next eight years, Brown won re-election but lost two presidential primary bids and, finally, in 1982, the U.S. Senate race against Pete Wilson.

Jerry Brown's political career seemed to end as quickly as it began.

"But 44 was too young to retire," Brown recalls in a 1988 article he wrote for *Life* Magazine. "I decided, instead, to set about preparing myself for the next phase of my life."

He practiced law in Southern California again. He traveled to Mexico, South America, the Middle East, China and the Soviet Union. And then he moved to a Zen retreat in Japan "to find a place apart — to gain perspective."

"I meditated several hours a day and slowly began to sense that beneath the different symbolisms of East and West lay unity."

It was in Japan that he began thinking of Nobel Peace Prize-winning missionary Mother Teresa and her work in Calcutta, India.

"For over a decade," Brown writes, "I had fought for social programs. Yet I rarely saw any of the people I was supposed to be helping. I had no idea what it all meant, what it felt like to actually serve others."

In the magazine account, Brown describes his three weeks in the house of the Pure Heart, feeding and cleaning the sick and dying. There were about a dozen deaths during his stay.

"In Calcutta, I never escaped human suffering. The most distressing thought of all was that much of this would be preventable or curable if nations could be mobilized to combat human suffering rather than engage in national rivalries.

"When I see what that tiny woman from Calcutta has done, I now know anything is possible — in my own life and in the life of our country."

Back in California, Brown, as Democratic chairman, ran head-on into the tough realities of party politics.

"We allow Reagan to be Reagan, but we don't seem to allow Democrats to be Democrats," he complains.

In an opinion piece in the *Los Angeles Times* after the November election, he issued a rallying cry using the "L word:" "We must mobilize those disaffected citizens by taking their lives seriously and demanding that government respond to their legitimate needs. This requires nothing less than a full-scale liberal agenda with an increased role for the public sector."

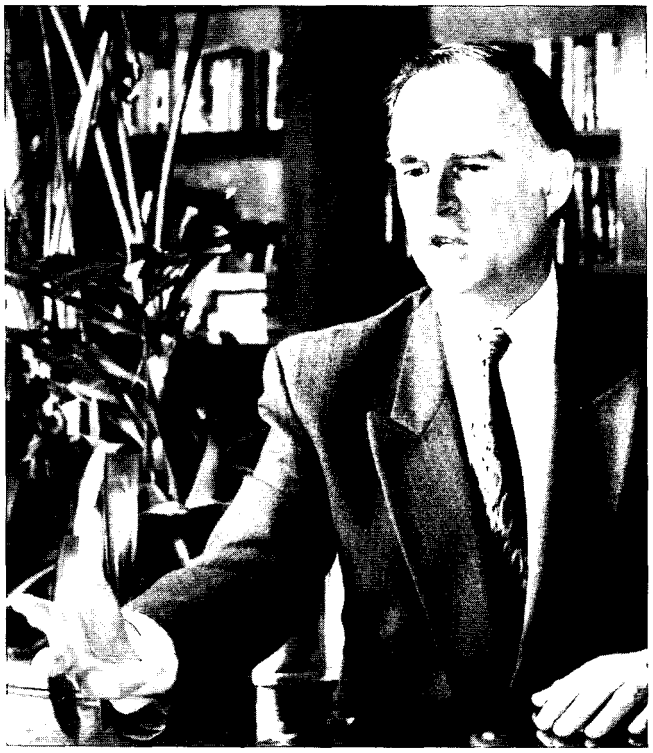

Photo by Karl Mondon, *Contra Costa Times*

For their part, party regulars question whether Brown is a viable U.S. Senate candidate.

For the first time in state history, two U.S. Senate seats will be on the ballot at the same time (see "The 1992 free-for-all, *CJ*, April 1991). Former San Francisco Mayor Dianne Feinstein is eyeing the seat held by newly appointed Republican Senator John Seymour, a two-year term where the winner will have to run again in 1994. So far, Democratic hopefuls, including Brown, are respecting her wish and lining up for the party's nomination to the other seat, from which Alan Cranston will retire.

Brown might win the party nomination in a crowded field, says political consultant Paul Kinney of Sacramento. But, "he couldn't garner 5 percent of the Republican vote" in a general election.

To win in California, candidates must be able to draw votes from both parties and from independents, says Kinney, who will probably work for Congresswoman Barbara Boxer, a San Rafael Democrat, who is also a U.S. Senate candidate. "'Interesting' doesn't make 'electable'."

Brown's past will make him vulnerable during the campaign, says Boxer's campaign manager, Ed McGovern. "He came in as someone crusading that government can help with the solutions, then switched to someone who, after Proposition 13, was for a no-taxes government, and now is someone who says government can help again. He's swing-

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ing on both sides of the pendulum."

To be sure, there are faithful Brown backers.

"He's proven time and again that he's electable and that he's out there on the issues," says Jim Herlihy, president of the City Democratic Club in San Francisco. "He challenges your intellect, he makes you think. He doesn't throw out the usual claptrap you usually hear. He's a thought-provoking politician."

Brown remains well-known in California. Eighty percent of potential voters can identify Brown nine years after he left office, according to a February survey by Mervin Field's California Poll. Of seven potential Democratic senatorial candidates, only Feinstein was better known, with 86 percent identification. But of those who could identify Brown, half regarded him unfavorably, the poorest ratio of any of the candidates.

"Don't count Brown out," Field says. "He is unique. He has the ability to strike sparks and, more importantly, he really intrigues the media."

Brown is reluctant to discuss some of the personal parts of his life that most intrigue the media. He and Ronstadt remain "very good friends." She lives two blocks away, but Brown resists further questions about the nature of their relationship.

Likewise, details of his meditation are off-limits for interviews. He fears it will be misunderstood. "Just the word meditation has a connotation for many people that it's something they're not familiar with," he explains. "In Christian terms, the word would sometimes be contemplation or prayer."

Brown opens up a little more when it comes to his religion, which "has played, and does play, a significant role in my life." He considers himself a practicing Catholic. "I frequently go to church," he says. "My perspective I would call non-parochial."

"Abortion," he says, "is something to be determined by a woman and not in any way to be determined by the state."

While Brown is looking to the future, he's unfazed by images of his past — the blue Plymouth he used while governor, his modest apartment near the Capitol and the Bird appointment to the high court.

"How many politicians do we have that pay for their own rent like I did? And get an apartment instead of a mansion? And who took a car out of the car pool instead of driving around in Reagan's bullet-proof Cadillac? And naming a woman chief justice? These are what they are. They're different. I think they're good. They say something."

Brown stands equally firm against the critics who say he has no chance to win a U.S. Senate seat. When he ran for Senate against Wilson in 1982, he notes, he received 44.8 percent of the vote. When Feinstein ran against Wilson for governor, she garnered 45.8 percent. He questions why some are writing him off while looking at Feinstein as a candidate to beat.

"The remarkable thing is, after eight years, as many people are still interested and can comment and engage in the discussion of what my administration and what I stand for."

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California Journal

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Homeowner associations sally forth into the political wars

By Robin Boyer Stewart

Heads up, politicians. There's a new political bloc making headway in California and, at latest count, it's over three million votes strong. Its components are organized by neighborhoods, operated variously like a corporation or a mini-government, and structured (most of the time) according to democratic principles.

Sound like a new political party or labor union? A candidate's dream? Give up? They're California's latest version of The Good Life — common-interest developments (CIDs) and their attendant community associations.

But first a *caveat*: It is critical that an aspiring vote-counter understand what CIDs and community associations are, their complex and rapidly evolving structure, and the

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Robin Boyer Stewart is a freelance writer and a former consultant to the Assembly Select Committee on Common Interest Subdivisions.

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internal problems and some of the short- and long-term issues that, if ignored, will surely become tomorrow's political time bombs.

Probably no elected official knows this better than Assemblyman Dan Hauser, an Arcata Democrat, who has devoted years to studying community associations and their problems as chairman of the Assembly Select Committee on Common Interest Subdivisions. On one hand, there are all the internal concerns, those related to the governance, finance and management of these quasi-democratic, almost-cities. On the other hand, there are the longer-term implications for a society with an exploding population of walled, private communities.

Hauser asks, "If you have the majority of your residents in a city living in a community association, maintaining their small park, swimming pool and tennis courts, are they going to be interested in supporting a bond act for parks or other infrastructure that is for the greater good of the city?"

This concern — that CIDs are the bastions of the rich and selfish — although yet to be evidenced, illustrates a fear that society is becoming more and more polarized, with the wealthy retreating into their gated enclaves and the poor being left with the crumbs of shrinking public resources. This vision of a "two-tiered society" stems from an inevitable, post-Proposition 13 trend in the provision of public services. Where once cities and counties provided the infrastructure for residential development, and cleaned the streets, collected the trash, and had cops on the neighborhood beat, now it's the Shady Acres Community Association assuming (or being forced to assume) that responsibility. And this may lead to difficulties down the line.

Common-interest developments are a type of housing defined by common ownership of private residential property, automatic and mandatory membership of all owners in a community (or homeowners) association, and governing documents that prescribe the means or governance for the

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associations (often referred to as the "CC&Rs", or covenants, conditions and restrictions). Condominiums and planned developments are the most complex examples.

CIDs are the fastest-growing form of housing in California. In many high-growth counties like San Diego, Orange and San Mateo, it has been estimated that as many as 70 percent of all residential developments are CIDs. Educated guesses put the number of community associations in the state at anywhere from 18,000 to 20,000, with operating and reserve capital of well over $1 billion. There are an estimated three million people, or one in 10 Californians, living in a neighborhood operated and governed by a community association. Martin Dingman, acting assistant commissioner for the Department of Real Estate's subdivisions section, estimates that there are more than 1000 CIDs coming on-line every year, based on the department's 3000-plus annual public report filings. Says Dingman, "It's a trend that started in the 1970s, and it shows no sign of letting up."

Seen in part as the "stepchildren of the state" to revenue-strapped local governments and residential developers, CIDs have been the dominant means of providing badly needed housing to California's burgeoning population. But like energetic and willful children, community associations sometimes do not turn out the way their parents expect. Some have begun to venture far beyond their original purpose to manage the common affairs of property owners and to enforce the standards of design and conduct for the neighborhood. Active associations now organize against zoning changes, nearby development and public improvement projects. They've got the muscle, should they choose to exercise it: an organized membership, a spokesperson for the group (the president of the board of directors), and the cash flow to hire experts who can help them make their case before a public body.

Jim Lingl, an attorney who specializes in community association law in Ventura County, adds, "In areas where there are age-restricted projects — for example, for senior citizens, the community associations tend to be even more politically formidable because everyone's retired, stays informed and *votes!*"

The phenomenon of community associations functioning as large, organized, sometimes well-heeled blocs is particularly acute in Southern California, which contains the lion's share of the state's CIDs. Orange County, for instance, leads the nation in the number of community associations, with 3300.

"I can't speak for other cities, but from day one, Irvine has treated community associations as an extension of local government," Irvine City Manager Paul Brady says. "Community associations have always had the political force that drove the local government here. And while the city itself is probably stronger today than it has ever been, [associations] are still a key factor."

In a growing number of instances, CIDs' active involvement in elections has made the difference and raises the point that serving on a community association's board of directors can be a springboard to higher public office (see story, page 272). State Senator Marian Bergeson, a Newport Beach Republican, long-acquainted with community associations in her Orange County district, confirms this emerging role.

"Community associations are clearly a stepping stone to running for city council," Bergeson acknowledges, "And, in many cases, they have been in the forefront of a number of the recent [successful] incorporation movements in the south county."

Adds Republican Assemblyman Gil Ferguson, also of Newport Beach, "Every U.S. president in the last four elections campaigned in Leisure World ... that goes for senators and governors, too... They go to Leisure World rather than the cities."

There are some indications that neighborhood power is moving beyond the local level to the state. At least three

BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 384,973 valid signatures; constitutional amendments require 615,958. In parentheses is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure. The full texts of all initiatives may be obtained from the Secretary of state's election division, 1230 J Street, Sacramento CA 95814.*

New in circulation:

JURIES — an initiative constitutional amendment, sponsored by Judy Osburn of Maricopa, provides that whenever state or local government is a party to any jury trial, the court must inform jurors that, in addition to judging the facts, jurors have the inherent right to judge the law itself. The purpose of this amendment would be to affirm a jury's right to determine if applicable laws are unjust or misapplied, and to vote according to conscience. It also provides that juries by allowed to hear evidence concerning a defendant's motives. (July 22nd)

MARIJUANA — an initiative statute, sponsored by 17 advocates from around the state, that prohibits prosecution for growing, transporting, distributing and consuming marijuana for industrial, medicinal, nutritional and personal use. It also adds marijuana to the list of available prescription drugs and grants amnesty for prior offenses. Finally, it authorizes the Legislature to regulate use in public places and in situations that affect public safety. (July 22nd)

LIMITATION UPON GOVERNMENT ACTIONS AND SERVICE IN GOVERNMENT — an initiative constitutional amendment, sponsored by Robert Lochridge of Redwood City and Eric Harlow of Mountain View, that limits, to eight years, the terms of all members of government who are elected, appointed or hired. It also limits the duration of existing and future statutes, codes, rules, ordinances, regulations and directives to no more than eight years. (September 19th)

INITIATIVE AND REFERENDUM PROCESS — an initiative constitutional amendment and statute, sponsored by Richard Gann of Folsom, that requires either voter approval or passage by three-fourths of each house of the Legislature of any statute providing the manner for circulating, presenting or certifying statewide or local initiative or referendum petitions. It also amends the Election Code to decrease the signature requirement to qualify measures that amend or repeal city or city and county charters. (September 30th)

Failed to qualify:

FIREARMS REGULATION — an initiative statute, sponsored by Kevin Patterson of Placerville. (January 1991 *CJ*)

Source: secretary of state

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trade associations have emerged to represent the interests of community associations. The Community Associations Institute (CAI), the Executive Council of Homeowners (ECHO) and the Council of Condominium Homeowners Associations (COCHA) provide seminars, training, advice and counsel. And given the increasing legislative scrutiny of the community association phenomenon, some have begun to play an active role in state law-making.

"We are real aware of the emerging attention that the Legislature is beginning to pay to CIDs," says Tyler Berding, chairman of ECHO's newly formed legislative committee. "ECHO wants to be in a position to represent its members in the Legislature. It has now begun to do that, with an aggressive monitoring program to review all legislation of interest to community associations and to take positions on it."

By all estimates, these groups should be kept pretty busy. The current legislative agenda, framed by the select committee and introduced this session, remains focused on the internal problems of community associations. According to Hauser, some of the issues of most concern include:

- the relationship between boards of directors and the homeowners, with an emphasis on democratic principles, fairness and due process;
- seeking some mechanism for bringing tenants into participation (in a CID, voting rights are tied to property ownership), while still protecting the interests and property rights of the owners;
- requiring an open meeting process for board and membership meetings (similar to Brown Act provisions);
- encouraging an established first-step process of mediation and arbitration for dispute resolutions rather than litigation;
- developing a mechanism for making CC&Rs easier to amend and providing better guidelines in state law as to what CC&Rs should contain;
- encouraging some process for formalized education for board members;
- stepping through the land-mine area of community association finances, including short-term operations and long-term capital reserves; making it easier for associations to borrow money.

To be sure, all of these issues require legislative attention, and to the degree to which community association trade groups represent their members' interests, it will serve as "practice" for the battles to come. No issue is likely to have more political fallout at the state and local level, to galvanize a constituency where once there was no constituency, than that of the taxation/double taxation of community associations. And yet this issue is being all but ignored by policymakers.

Today's new-home buyers who move into a CID project, in addition to the already disproportionate property tax load they bear because of Proposition 13, will be expected to pay community association dues and, likely as not, Mello-Roos, community services district, or some other bond indebtedness — amounts far in excess of their neighbor who does not live in the CID. Although a CID dweller may have a private ("community association-only") swimming pool, park or lake, and may have private garbage collection, street cleaning, and a private security service, he or she is still paying, through taxes, for the public provision of those services outside of the development.

In some jurisdictions, local governments may refuse to provide services to CIDs, or may charge for services that are not being received or are precluded by a community association's CC&Rs. This can lead to varying (and, some argue, inequitable) levels and quality of private vs. public services. In other cases, CIDs provide the services or the facilities not only to their members but to the general public.

To illustrate, the "Pedestrian Pocket Project" in Sacramento is a residential, mixed-use development that has been highly touted for its innovative planning and emphasis on alternatives to the automobile-based lifestyle. Despite the fact that the actual construction costs of the homes are comparable to most middle and upper-middle income projects, people buying into this CID will be paying not only for the privilege of living in a nice home, but for facilities and services that are accessible to the general public (parks, roads, transit facilities, an interchange, and an additional lane along Interstate 5).

Woodbridge Village Community Association in Irvine, with nearly 27,000 residents and an operating budget of $5.5 million, privately maintains a number of essentially public facilities: Landscaping along major public arterial streets within Woodbridge with freeway access is cared for by the WVCA; all lawn areas from the sidewalk to the curb and street medians along interior public streets are maintained by WVCA; and the city/county bike trail and the adjoining lake that runs through Woodbridge are WVCA's responsibility.

Continued on next page

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Despite the fact that community associations provide facilities and services at the members' expense, this still does not relieve individual association members of local property tax liability for their own units. As a result, the members are paying twice for services that taxpayers outside the project get from local government and pay for only once. Thus, the political conundrum of taxation/double taxation.

The long-term implications of the private provision of public services can only be hinted at now. Since there doesn't seem to be any abatement in that shift, it is only a question of time before the tax-and-equity bomb blows.

Sacramento County Supervisor Illa Collin commented during her testimony before the select committee, "I fear we in local government, in finding *ad hoc* solutions to post-Proposition 13 dilemmas, are creating much bigger problems down the line. I predicted 10 years ago,when we first started approving these projects, that the day would come when people would refuse to pay taxes because they are already paying for these services through their homeowners' associations."

As yet there is no clearly identified champion for the people who live in CIDs. As community associations continue to wield more and more power, as their numbers continue to grow, and as the tax and equity issues that are now being ignored continue to be shunted aside, their voices will likely become louder and more unified. The politician who manages to capture this constituency, speak to its needs and offer it a voice, will be amply rewarded with gratitude and votes. Those time bombs are ticking, but is anyone listening?

Associations breed political warriors

For the brave and the willing, serving on a community association board can often be a training ground for higher public office. The prevailing wisdom is that if you can survive community association politics, you can make it anywhere in the public arena. The following are some examples:

- **Pat Bates** got her start on the board of the Monarch Bay Terrace Homeowners' Association where she served as the community liaison for four years. Last year, she was elected mayor of the recently created city of Laguna Niguel. Says Bates, "People who serve on community association boards are as close to 'the people' as you can get because they're dealing with neighbors on matters which affect the community — both inside and outside of the development."

- **John Burton** (not the assemblyman from San Francisco) cut his political teeth while serving as president of the Newport Shores, and, later, the Village Park community associations in Irvine. Shortly after Irvine was incorporated in 1971, Burton was elected mayor and served for six years. Later, he was elected a city councilman.

- **William Craycraft**, former mayor and currently a council member for Mission Viejo, originally served on the board of Seville Community Association in Mission Viejo.

- **Bill Esty**, former mayor of Camarillo, got his start as an active member of the Leisure Village Association, a 2000-plus planned development for seniors.

- **Larry Horner**, who started out serving on the board of the Foxmoor Hills Homeowners' Association, has over the last 10 years served three terms as mayor of Thousand Oaks.

- **Ursula Kennedy's** constituency expanded from 935 homes to 58,000 homes when she went from the board of the Tustin Meadows Community Association to serving as mayor and later as a council member for the city of Tustin.

- **Bill Vardoulis** served as mayor of Irvine for two years and now is a councilman. In the early 1970s, he was active on the board of the University Park Homeowners' Association.

- **Helen Wilson** recently was the top vote-getter in the election for incorporation of the new city of Lake Forest (until December, that area of Orange County is still called El Toro). The local pundits agree that Wilson is the favorite to be Lake Forest's first mayor. She got her start and helped to win support for the incorporation effort while serving on the Lake Forest II Community Association board of directors.

- **Barbara Wiener**, who served from 1982 to 1986 as an Irvine City Council member, started her career in 1971 as a community activist on the board of the Turtle Rock Hills Community Association. She returned this year to the Turtle Rock Hills board. Although many disagree, Wiener says she doesn't think there are any comparisons between the issues community associations deal with and those city councils deal with ("Paint chips, color of flower pots, and dogs barking are a far cry from transportation, air quality and taxes," she muses.), but concedes it's a valuable experience for the aspiring politician.

- **Elois Zeanah**, currently a member of the Thousand Oaks City Council, served for five years on the board of the Conejo Hills/Lynn Estates Homeowners' Association. Although that association was a voluntary one, she later formed a network of 12 associations, many of which were CID projects. The Conejo League of Home Owners represented over 5000 residential units and helped propel Zeanah into office. "My election was a major upset," she recalls. "The entrenched political establishment in Thousand Oaks really underestimated the strength of my grass-roots support, most of it from the homeowners' associations [with which] I had worked."

— Robin Boyer Stewart

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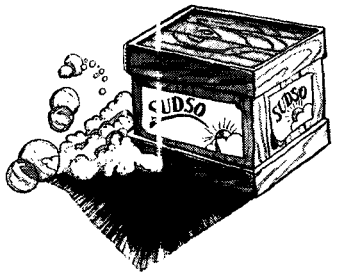

SOAPBOX

Facing Reality

By Leroy Greene

The nation's public-school report card compared fourth, eighth, and 12th grade achievement in 1988 with student performances 20 years earlier. Finding? Most students can't analyze what they read or handle moderately challenging math problems, and they have only a limited understanding of American history.

It's worse than that.

The educational system is not keeping up with society's needs. Society must have an educational system that moves beyond the current ability of our educators to provide, of the government to comprehend, and of the taxpayers to willingly fund. What met the needs of the past is not working well enough in the present, and will not meet the needs of the future. We can do much better, and we do not have to spend a lot more to get there.

The California public school system contains approximately 4.9 million (1990) students in kindergarten through 12th grade (K-12). We are told that it will grow about 200,000 students per year through the decade of the '90s, requiring nearly $1.8 billion worth of additional school facilities on land costing roughly $500 million (at 1990 prices) each year. In addition, if a school building is presumed to have a 50-year life, 2 percent of the existing school facilities should be replaced annually — at a cost of another $800 million. Total: $3 billion.

Since local school districts generate approximately $200 million per year as their share of these costs, the state must raise $2.8 billion, just to buy additional land and build buildings every year for the next decade.

And there are additional costs. For instance, it will take approximately $500 million per year above current expenses to pay for the increased staff necessary to operate the schools containing these additional students. There is also the matter of class size. Ever since Adam and Eve and the fig leaf, we have been hearing that class size should be reduced, which means build even more facilities, buy even more land, and hire even more teachers and support staff.

What, then, is the answer?

First, we must move into a year-round, multi-track school system. Students would still attend school for the current number of days (180), but schools open for considerably more days of the year could handle up to 15 percent more students in existing facilities.

In addition, if we combined year-round schooling with an early-late program (half the students arrive an hour earlier and leave an hour earlier than the other half), there could be half-size classes in the first and last hours of the day, where teachers could work more intensively with their students. These are easy adjustments and are being carried out in many school districts.

Also, forget reducing class size. Instead, we should create a position of "professional teacher assistant," which requires a two-year degree from a community college. Those who obtain this assistant credential later could transfer credit should they decide to become fully credentialed classroom teachers. But with two years' training in the relevant subjects, they could be placed in an elementary school classroom as trained assistants.

We also could train professional teacher applicants to assist high school teachers. Community colleges could offer single- or multiple-subject, two-year programs similar to the program for elementary school teacher assistants. At the same time, we could reach out to those fluent in the languages native to our foreign-born students and use the community college system to bolster their mastery of English, while also training them to be teacher assistants.

The classroom teacher would have the same rights, duties, privileges and obligations as today, but he or she would have an assistant capable of more than maintaining discipline, passing out papers and erasing chalkboards. Thus, when some students fall behind in a subject, the teacher would give his or her assistant a plan to assist those students, allowing the rest of the class to move at a faster pace. This will be of particular value if the teacher assistant speaks the home language of a foreign-born student. This may not reduce class size, but it might be considerably better and infinitely less costly.

Teachers tell us that each student is a unique human being with unique needs. Why, then, do the quick ones, the slow ones, and all those in-between — each with unique needs and problems — get the same assignments, the same homework and, in most cases, are taught in the same language — English? We reconize physical education for its body-building benefits. But what about mind building? What do we do to build the mind?

Instead of teaching with the old technique of "sit down, shut up and listen," divide the class into small groups and let them work on thought problems. Let their minds soar. Let them reach to seek answers. Let them even be wrong, but let them think. Let the teacher guide the thought process.

Why not make more use of students as teachers? Why not pair up second- or third-graders with first-graders? What would happen if a third grader of modest reading skills were told to assist a first-grader struggling to learn to read? A first-grader can conceive of becoming a second- or third-grader, but cannot conceive of becoming an adult. On the other hand, the second- or third-grader, being in a teaching role, would extend himself to the maximum to demonstrate his superior knowledge. Both students may profit from this experience.

Leroy Greene is a California state senator from the Sixth District in Sacramento.

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Who will be tomorrow's teachers? Until World War II, a woman's professional work choices mostly were limited to teaching and nursing. And marriage often terminated a woman's teaching career. As a result, teaching often was limited to the childless. Today, women aspire to many careers. Today, the best and the brightest women — who often became teachers 30 or 40 years ago — are attorneys, physicians, corporate executives and editors. How can we lure the best and the brightest women and men back into the classroom?

We can create an academy of teaching. As with West Point or Annapolis, we can pay students a modest stipend and provide their schooling without cost. In exchange, the students agree to a minimum starting salary as teachers of $35,000 (1990) a year, and they agree to teach for not less than 10 years. Candidates for the academy will have to prove that they are among the "best and the brightest." "Brightest" is a matter of grades and academic skills; "best" is far more difficult to determine. How do we measure one's ability to empathize with children from varied cultures, economic and social backgrounds? How do we measure an applicant's patience, dedication, sensitivity, earnestness and commitment to children? Thus, the curriculum and staff for this academy is critical. "Who will teach the teacher" will make or break the program.

When the academy graduate goes out to the school districts, he or she will be assigned not a classroom of 30 kids but perhaps four such classrooms. He or she will have assistants, like those with two-year assistant degrees. Others will come from graduate schools and will be those working on doctoral degrees in nuclear physics, science, math, biology, history, linguistics, economics, philosophy, music, art, and a host of other disciplines. The graduate students would be offered modest stipends and credit toward their advanced degrees in exchange for two years assisting regular teachers in elementary, middle and high school classrooms.

Unlike the rest of the adult population, teachers went off to school at the age of five — and never left. A teacher may have started teaching at age 24, then spent 40 years in a classroom full of 10-year-olds. This would not happen to the academy-trained teacher, who would be on a career ladder. After several years in the classroom, some of these teachers may be brought back to the academy to help rewrite the curriculum. After a few years at the academy, they may be asked to teach at the academy itself.

There are many other areas of consideration, such as the development of textbooks, instructional materials and equipment for use in tomorrow's classroom. The classroom of today usually requires that we round off the square pegs that do not fit into round holes. The classroom of tomorrow must recognize that the system has to supply a hole that is required to meet the needs of an individual student.

It should not be the purpose of education to fit students to our mold, but to mold education to fit students.

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By Richard Krolak

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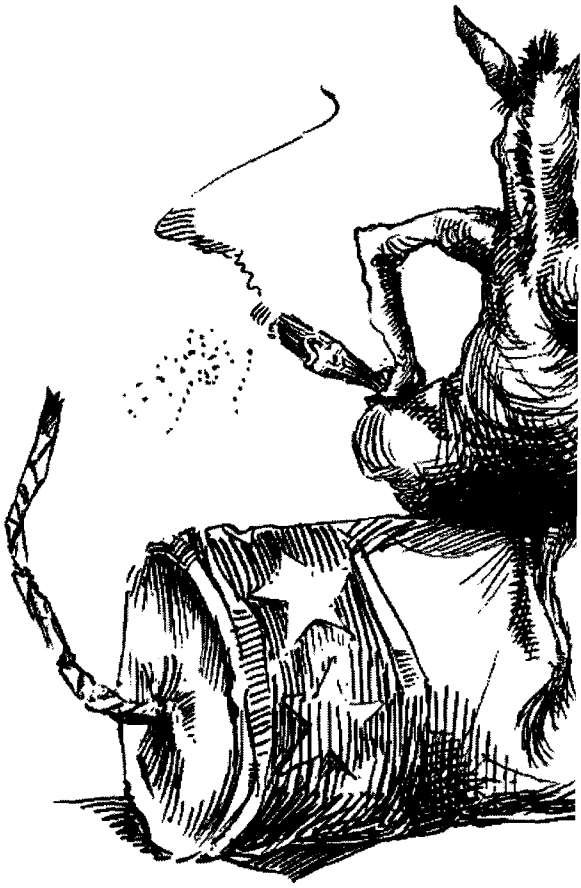
SPECIAL ELECTIONS

Primary election rules often bring together strange bedfellows



By Larry Peterson

You could tell by the mustache that something was wrong. Frank Hoffman was pictured with a brush on his upper lip in a mailer urging Democrats in Orange County's 35th Senate District to vote for Hoffman, one of their own, in a March 19th special primary election.

People who knew Hoffman, a local school board member, knew he had shaved off his mustache. But not the person who sent the mailer — Sacramento Republican activist Bill Saracino, a backer of GOP Assemblyman John Lewis of Orange, top vote-getter in the 35th. Lewis defeated Hoffman and a Libertarian in a May 14th runoff for the seat John Seymour gave up when Governor Pete Wilson appointed him to the U.S. Senate.

Why did Saracino want to help Hoffman? He didn't. To understand what he did want to do requires both an understanding of a quirk in election law and the dynamics of the 35th District race.

Larry Peterson is a political writer for The Register *of Orange County.*

First the law. It is a statutory aberration that leaders in both parties say invites abuses. It also is one that raises anew the question: Who should choose nominees of the political parties? In special primary elections, all voters are issued a single ballot listing all the candidates from all the parties. Voters can step across party lines and vote for anyone on the ballot. If anyone gets a majority, he or she is elected. If not — as was the case on March 19th — there is a runoff among each party's top vote-getters.

That contrasts with regular primary elections, in which voters from each party get separate ballots listing those seeking their party's nominations for various offices. Thus only Democrats choose Democratic nominees; only Republicans choose GOP nominees, and so forth for the other parties.

When the different rules for special elections are considered in the light of the 35th District, Saracino's strategy made sense. Voter registration in the inland, suburban Orange County area is more heavily GOP than in any Senate District in the state. Thus conventional wisdom gave Hoffman two chances: slim and none. Except for appearances at candidates' forums, Hoffman's campaign consisted of two public

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acts. First, he scheduled a news conference. Second, he cancelled it.

Hoffman's invisibility as a candidate left the district's 101,000 registered Democrats — a substantial bloc even if a minority one — unwooed. So Dana Reed, a Republican moderate, went after them. He argued that it was inevitable that a GOP candidate would win the seat. Claiming support by "leading Democrats," and touting his pro-choice credentials on abortion, Reed said Democratic voters should support him. A vote for Hoffman, he argued, was not only a vote thrown away; it was in effect a vote for one of Reed's more conservative GOP rivals.

So Saracino sought to prevent Reed from siphoning off Democratic votes by convincing Democrats to vote for one of their own. At least for the record, Saracino acted independently of Lewis' campaign; that way only he — and not Lewis — was responsible for the mailing and how it was financed. That made it less awkward, for example, for him to stress in his mailing that Hoffman is pro-choice. Lewis is pro-life.

The law is a statutory aberration that leaders in both parties say invites abuses.

The special rules for special elections were enacted in 1963, mostly in hopes of avoiding the expense of holding both primary and general rounds in special elections. Until 1989 the rules seemed to work. But for three straight

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years, moderate Republicans in special elections have made carefully crafted separate appeals to Democratic voters. And for the last two years, conservative Republicans like Saracino have organized mailings to encourage Democrats to vote for one of their own rather than for the moderate Republican.

Hoffman was the only Democrat in this year's race, so taking votes away from him did not deny him a place on the runoff ballot. But last year's special election to replace GOP Senator William Campbell of Whittier was different. The conservative GOP "independent" effort on behalf of Democrat Janice Graham, aimed at preventing moderate Republican Ron Isles from getting Democratic votes, helped Graham beat her rival for the party's nomination. (GOP Assemblyman Frank Hill of Covina trounced her in the runoff.)

Not surprisingly, Democrats and moderate Republicans disagree with conservatives over whom to blame for such machinations. But mostly they concur that they mislead and turn off voters. And some leaders in both parties say the law should be changed so that, like in regular primary elections, voters in special primary elections are allowed to vote only for candidates of their party.

While insisting that he played by the rules, even Reed said, "A very good case can be made for changing them." Saracino agreed, saying there is no good reason why special elections should be an exception to the principle followed in general elections.

"The process is confusing," said Orange County Democratic Chairman Howard Adler. "It creates opportunities for playing around in the other guy's party." Indeed, what Adler and Saracino agree on is that the people in each party should choose their nominee.

Still, at least a few say the choice of party nominees is too important to the ailing health of California's body politic to be left just to the partisans. And rather than viewing special election rules as an anomaly to be eliminated, they argue, perhaps they should be viewed as an example to be emulated.

One way to do that might be a return to cross-filing, a system that used to allow California candidates, regardless of party affiliation, to enter both the Democratic and Republican primary and clinch an election by winning both. The system, established in 1913, was abandoned in favor of the current process in 1959. Another approach: Allow voters to cross party lines to vote for the candidate they like best.

Among those willing to at least consider such approaches is Leroy Hardy, professor of political science at California State University, Long Beach, and former state Controller Houston Flournoy. Hardy noted that drawing district boundaries to protect incumbents has almost eliminated competition in general elections for the Legislature and to House seats. That in turn means that, whenever a vacancy occurs, it is, in effect, filled in primary elections in which only the most motivated partisans — typically the most ideologically extreme — cast ballots.

"The way it is now," said Flournoy, who is a professor at the University of Southern California and represents the school in Sacramento, "candidates in both parties have

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to play to the zealots."

Thus the process aggravates the political polarization that makes it harder for lawmakers to reach the consensus needed to deal effectively with major state issues, Hardy and Flournoy contend.

Hardy's ideal solution would be district boundaries that encourage competition. But several efforts to do so have failed, so he said that a return to something like cross-filing or "open primaries" might be the only practical alternative. "Voters at large would at least have some influence on who the nominees were," he said. "Maybe that is one way to get around the distortions that the districting process has created."

Hardy, Flournoy and others also argue that, like more competitive districts, a more open nominating process would tend to produce more moderate standard-bearers in both major parties. But they concede that there is no more better prospect for adoption of anything like cross-filing or open primaries than there is for an end to pro-incumbent gerrymandering of districts. To be sure, the former would be viewed as a threat to the political parties — in the past the main victims of cross-filing's tendency to blur partisanship. And to the extent partisanship is blurred, leaders in both parties say, it is harder for voters to hold public officials accountable for their actions.

More important, say Flournoy and Hardy, the idea would appall most incumbent lawmakers.

"They won't buy it," Flournoy said. "They are a product of the system. They know how to work it. They aren't uncomfortable with it at all."

That leaves the question of what to do about special elections. So far, the alleged abuses have been in heavily GOP districts. But Adler and others said conservative Democrats could appeal to Republicans in special elections in Democrat-dominated districts. Lewis said he might introduce legislation to prevent crossover voting in special elections, but he was cautious about prospects for passage.

Democratic Assemblyman Tom Bane, who authored the current special election now on the books, is one of many Democratic legislators whose attitude suggests that caution is warranted. On the one hand, the veteran Van Nuys lawmaker is no for open primaries or cross-filing. He argues, as did those who abolished cross-filing, that such helps the GOP by making elections less partisan. Bane concedes that some abuses have occurred under the rules that apply to special elections. But he is not for switching to a system that would require a primary and a general round of voting in every special election, which might be the only alternative to current practice.

"There's pluses and minuses to everything," he said. "In this case, the minus to separate primaries and generals for special elections is cost, especially when you consider how few people vote in special elections and how big a budget shortfall we already have. I don't think the Legislature will vote for something that will increase the cost."

Still, Lewis contends that Democrats will learn that the abuses can cut both ways and eventually will become more sympathetic.

"Since this is viewed as a Republican problem," he said, "my instinct is that Democrats might resist changes. But if they experienced the same problem, it might give them pause for thought."

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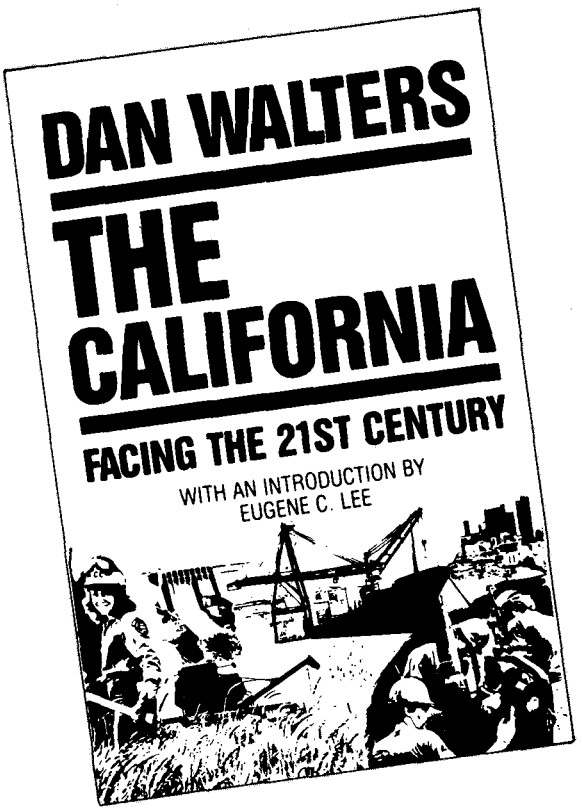

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Boosting the sales tax

Who gets hurt?

By Robert Shapiro

Pete Wilson has to be wondering when it's going to stop growing.

The deficit that was supposed to be a few billion dollars when he won the statehouse last November is now more than $14 billion, and nothing in the Book of Good Republican Theology could have prepared him for that. After inciting liberal Democrats with calls for cuts in welfare and education, Wilson has been forced to break ranks with conservatives in his own party and propose major tax increases, settling on the state's sales tax for the lion's share of the new revenues. Now, barely four months in office, he finds himself pitted against both ends of the political spectrum in a budget battle that no veteran governor would want to fight.

"When you have to raise a significant amount of revenue, there are really only two choices for big bucks: the income tax and the sales tax," said Bob Reischauer, director of the U.S. Congressional Budget Office.

From the Republican perspective, Wilson chose the lesser of two evils. His proposal includes a permanent three-quarter-cent sales tax increase, with an additional temporary increase of a half cent that would be abolished after a year, assuming the economy recovers by then.

That's a big assumption. If the economy doesn't turn around, the plan won't generate enough revenue to balance the budget; the situation would return to haunt Wilson next year when he no longer may pawn most of the blame off on his predecessor — former Governor George Deukmejian. And with Wilson's name already circulating through some quarters as potential White House material, he has a lot staked on this budget solution.

But even if the recession does lift, consumers shouldn't expect to see that temporary half cent disappear any time soon. Wilson's plan also gives county governments the authority to raise their sales taxes by that same half cent to pay for the $2.3 billion in social-service programs — such as mental health and indigent services — that the state would like to shift to the counties. Counties' sales-tax rates currently range from one-and-one-quarter to two-and-one-quarter cents.

The combined hikes, according to the National Conference of State Legislatures, would raise the state's basic sales-tax rate from the 29th to the sixth-highest in the nation. But, according to

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Robert Shapiro is a correspondent with California News Service, a project of the University of California graduate school of journalism, Berkeley.

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Reischauer, Californians have an overall tax burden lower than the national average

"You can't have it all ways," he said. "You have a lot of revenue-generating capacity in the property area, but you've chosen not to use it. So in a sense you have to make up for it by relying more heavily on other areas of taxation."

Reischauer said that relative to what it can afford, California taxes at only 98 percent of the averge tax effort of other states. "It's a question of how many tears should be shed on your behalf," he said.

But it's not sympathy that Pete Wilson needs, it's votes of legislators. Democrats, like Senate President pro Tempore David Roberti, a Hollywood Democrat, argue that California's "fat cats" should kick in the money needed to balance the budget and increase services such as education.

"If we must increase taxes, we must be fair to all," he said. "And the fact is, California's rich are not paying their fair share of income taxes."

But many Republicans in the Legislature won't buy that notion. Indeed, it is with the most conservative faction of his own party that Wilson can expect the most trouble. A substantial number of Republicans in the Assembly have opposed tax increases in the past, and there are enough of them to withhold the two-thirds vote needed for any new tax increase — unless Wilson can convince them otherwise.

"In the last eight years, the population of this state has increased 17 percent," said Assemblyman Tom McClintock, a Republican from Thousand Oaks. "While spending by the state has increased 119 percent. This budget crisis isn't the fault of taxpayers. It is the fault of years of profligacy, waste, mismanagement and corruption in state government." McClintock said the governor's proposal would cost the average family of four $900 a year in additional taxes.

Wilson is gambling that both sides will accept political and fiscal realities, which dictate the sales tax as a middle course.

"Different taxes, as proposed by the Democratic leadership, are not an option because there aren't sufficient votes in the Legislature to get such a bill to my desk," the governor told the California School Boards Association early in May. Additional reductions in government programs are impossible, he now concedes, because his current proposal "cuts as much as it can without causing severe hardship to people that rely on government services."

Despite, or perhaps because, of the partisan squabbling, many Sacramento political analysts predict Wilson will ram his entire plan through the Legislature more or less intact. So when all the rhetorical smoke clears, just how bad will the sales tax be for California?

Opponents offer several arguments against it. When sales-tax rates go up, the prices of consumer goods rise proportionately and the ability of consumers to purchase taxable items declines. Californians will be spending the same amount of money, but it will buy less.

"When you tax money out of the economy, less economic activity goes on," said Steven Hayward, director of the Claremont Institute's Golden State Center for Policy Studies. "A rising tax burden correlates with a lower level of economic growth, lower employment growth and a lower level of personal income."

And while Democrats embrace the Wilson plan for focusing on revenue generation rather than on cuts in social programs, many insist that too much of the onus will fall on those who can least afford it.

Welfare recipients won't have the benefit of cost-of-living increases (COLAs) to compensate for the higher prices. Social Security benefits are pegged to national, rather than local, price levels. And not only does Wilson want to freeze this year's COLA for 750,000 families on the state's Aid to Families with Dependent Children program, but he has proposed rolling back the monthly benefit by $61, or nearly 10 percent, to 1988 levels. The middle class may have to save up an extra few months to buy that VCR, but the poor will be postponing school clothes for the kids.

"The overall system unfairly burdens the poor," said Lenny Goldberg, executive director of non-profit California Tax Reform Association. "The new taxes being proposed will make this pattern worse."

Goldberg pointed to a study by Washington, D.C.-based Citizens for Tax Justice, for which he serves as a board member, that indicates the state's poor shoulder a 30-percent greater burden than those with the highest

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incomes. He said by raising top income-tax brackets and closing tax loopholes, including those on business property taxes, the state could chop $10 billion off the budget deficit.

Many economists, however, disagree with data suggesting that the poor will suffer the greatest burden under Wilson's plan.

"In general, the so-called regressivity of sales taxes is often greatly exaggerated," said Rudolph Penner, a senior fellow at the Urban Institute in Washington, D.C., Penner, a Republican and former Congressional Budget Office director, said that California's exemptions on groceries, medicine and utilities substantially mitigate the burden of such a tax on the economically disadvantaged.

Kenneth Judd, a senior fellow at Stanford University's Hoover Institution, agreed. "I doubt that there's a big bias one way or another," he said. "This is an attempt to keep the distribution of wealth basically fixed."

Concern over the distribution of the budget-balancing load is partly tempered by the fact that the state's overall tax structure is relatively progressive to begin with. According to the National Association of State Budget Officers, California's wealthy already pay a greater share of the overall tax burden than most other states.

"You're starting out in a damn good position," said Marcia Howard, the association's deputy director. "Given that you are already progressive, you may not do that much damage with the sales tax."

Still, with politicians toeing their partisan lines and experts in disagreement over just how much a sales tax affects different economic groups, it's difficult to know whom to believe. And one economist with the House of Representatives Ways and Means Committee, speaking on condition of anonymity, admitted that although there are patently incorrect ways to examine regressivity, economists can manipulate the statistics to send misleading messages.

"The important thing is to examine the budget package in the aggregate," the economist said. "A proper analysis would include both the taxing side changes and the spending side changes."

From that perspective, the poor clearly lose. Wilson's budget proposal includes nearly $5 billion in spending cuts to programs that primarily benefit lower-income groups. Even if liberal Democrats got their wish and wealthy taxpayers absorbed the full burden of the $6.7 billion in new taxes, those currently receiving assistance from state programs would still be worse off.

On the other hand, that assistance was being provided on borrowed time, with the state forking over some $13 billion more than it could afford. Something had to give.

"Entitlements, mandates, cost-of-living adjustments, court decisions — we create formulas for spending that do not respond to market conditions," said Bill Livingstone, Wilson's press secretary. "Ninety percent of the budget is on auto-pilot. You do that over a period of several years and you're in a crisis situation."

Debate over the fairness of the state's $14 billion repair job echoes a much larger one that took place last year in Washington, D.C., when Democrats succeeded in derailing President George Bush's capital-gains tax-cut proposal on the grounds that the poor had already conceded too much to the nation's wealthy during the Reagan and Bush administrations.

Although Democrats in Sacramento have thus far been less successful in making political hay of the equity issue, the theme is likely to underscore future budget battles here and in other states. When coffers run dry and spending is considered to have been cut to the bare bone — as is largely the consensus in Sacramento — the big question is not whether to raise taxes, but how.

Since 1988 seven states have opted for a sales-tax increase, while similar legislation is working its way through the legislatures of three others.

If Wilson succeeds in getting California to join these ranks, it will be largely because he has managed to gain the support of the business community and a non-aggression pact of sorts from some quarters of the conservative anti-tax lobby.

But that backing did not come without a price — reforms in the workers' compensation system.

"This only works if all of the reforms and the changes to the jobs climate are enacted," said Larry McCarthy, president of the California Taxpayers Association. "The governor is saying that as a part of this package we have to address this horrible festering problem of workers-compensation programs. This package pulls the reins in on worker-compensation claims."

McCarthy, whose group vehemently opposes increases in income-tax rates, said that Wilson "arrives at the sales tax by process of elimination."

"It is a simple matter of equity," he said. "Four percent of the taxpayers in

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this state pay more than 50 percent of the income taxes. The top 12 percent pay 70 percent of the taxes. To put an additional burden suggests a real unfairness."

Leaders of the business community, anxious about potential effects of other revenue-raising measures, are also relieved by Wilson's choice. Personal income taxes, as well as taxes on business income and properties, are disincentives for businesses to locate in the state, and raising these rates would cost the state far more jobs than the sales tax increase, according to Kirk West, president of the California Chamber of Commerce.

If taxes have to be raised, sales taxes are probably more palatable to business than most. Although Wilson noted that businesses paid one-third of all the sales taxes in the state, unlike individuals, the sales taxes that businesses pay are part of their businesses expenses and can be deducted from the profits on which corporate income taxes are paid. Individuals can no longer deduct sales taxes from their income-tax returns.

"The last thing you want is to balance the budget with something that will put you in a far bigger hole down the road, as companies are wooed away by other states," West said. As evidence, he and other business leaders pointed to the defections of major manufacturing operations from California, such as those belonging to Lockheed, which recently moved from Burbank to Marietta, Georgia, to take advantage of lower costs there.

The saved jobs may not make parting with the additional one-and-one-quarter cents any easier. But if more Lockheeds move out, the business leaders said, the state's unemployment costs will skyrocket, and taxes will have to go even higher. And cutting back on welfare benefits would only lead to other social costs, such as higher crime and poorer public health, in turn driving up law-enforcement and medical costs.

Marcia Howard, of the state budget officers' association, agreed. "In the end, if you take it all the way through the analysis, the consumer pays it one way or another."

ROSTRUM

Water

Your article on the drought (see "Tapped out," *CJ*, April 1991) is excellent, demonstrating a clear grasp of the issues. A few facts about rice growing, however, caught our eye, and we would like to clarify some misinformation.

- Instead of taking 7.75 acre feet of water to grow an acre of rice, as the article stated, it actually takes just over half that amount.
- Instead of alfalfa being the only crop that uses more water in California, there are numerous others. In terms of gross consumption, alfalfa, cotton, irrigated pasture and deciduous orchards far exceed water used by rice. In terms of the amount needed for application, top crops include alfalfa, asparagus, irrigated pasture, sugar beets, cotton and others. Concerning water required to grow an average serving of various food crops, watermelon, cherries and corn use three and four times the water that rice uses.
- Instead of rice being a surplus crop, California rice is in a severe shortage at this time, and there have been no surpluses for the last five years.
- Assemblyman Phil Isenberg of Sacramento is quoted as suggesting that agriculture need cut back only 3 percent to help resolve the drought. Over the past three years, rice growers have cut back well in excess of 3 percent (over 10 times that amount is expected this year), and yet we have shortages. Rice farmers still are awaiting their thank you letter from Isenberg for not only meeting his suggested reductions but for exceeding them by huge proportions.
- Isenberg is also quoted as suggesting that rice shouldn't be grown in California because it contributes so little to the state's gross product. Had you interviewed anyone in the industry, we would have said that that is precisely the point: Rice should be grown because it remains an affordable food staple for an increasing number of Californians whose budgets cannot afford high-value crops (such as champagne grapes and passion fruit) grown in California, just as they can ill afford more expensive and lower-quality imported rice.

JOHN ROBERTS
Executive Director
California Rice Promotion Board
Sacramento

Sacramento Union

Your article on the *Sacramento Union* (see "The Right Thing," *CJ*, April 1991) laments the actions taken by that paper in publicly taking a conservative position. I agree with the implied assumption that the media should be objective. It would be wonderful if the news media distributed the news and allowed the American public the dignity of making its own interpretation of the events. But didn't you wonder why people would want a paper with an avowed position on the issues? Perhaps it's not only because people want to read conservative viewpoints. Perhaps they're tired of reading papers that assert a dedication to objectivity while spouting liberal views. If mainstream papers were really sources of unbiased information, rather than of opinion, no competent adult would want a newspaper with a conservative bias. He or she would be capable of forming an opinion based on the presented information. As your article demonstrates, such is not the case.

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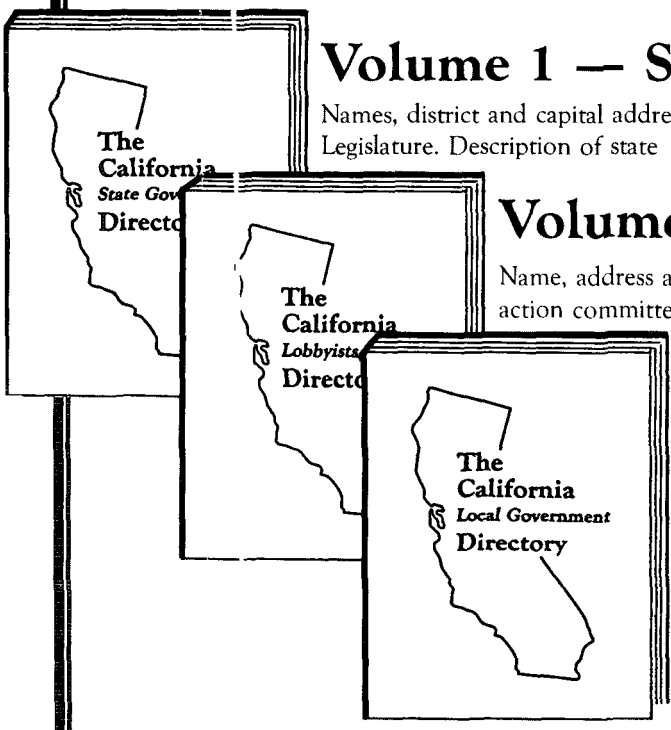

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Base closing by commission

The people of Monterey and Long Beach, Sacramento and Tustin, Vallejo and Mountain View have every right to pick up the phone this summer and demand action from the man or woman they sent to Congress. Those are among communities in California that stand to lose military and civilian jobs — 26,869 throughout the state — to a proposal to eliminate supposedly unneeded military bases.

BUT THE CHAGRINED COMMUNITIES shouldn't expect their elected officials in Washington to be all that helpful, and therein lies a tale about the way government works (or doesn't).

In April, Defense Secretary Dick Cheney announced a list of 31 major military bases across the country that he wants to shut down, along with 12 smaller ones. When Cheney tried something similar last year, many members of Congress rose up in outrage, the Democrats in particular accusing him of tilting the hit list to hurt their districts most. Congress eventually attached language to the annual defense authorization bill that banned the Pentagon from doing anything about Cheney's 1990 wish list of potentially doomed bases.

But Congress also authorized creation of a base-closing commission to handle the task beginning in 1991. It is a quintessential example of what might be called government-by-commission.

By mid-July, an eight-member commission will complete public hearings and deliberations and send President George Bush its own, presumably revised, version of Cheney's base-closing recommendations. If Bush embraces a final list, he will send it to Congress. That's where the magic of the scheme comes into play. In creating the commission, Congress legally committed itself to accepting or rejecting the entire base-closing list. No changes allowed, no doubts entertained except in the unlikely event that a majority of both houses are so energized or outraged as to forego the entire money-saving base-closing package.

Like an alcoholic tossing out the key to the liquor cabinet, Congress came up with the base-closing commission to stop itself from indulging its pork-barrel instinct to protect even the least useful, most wasteful bases from closing.

In the past, Congress has created such blue-ribbon commissions to insulate members from blame for politically sensitive decisions such as reforms in the Social Security system. In 1989 a previous base-closing commission, working behind closed doors at the Pentagon, came up with 91 major and minor bases to close.

Having provided itself only an all-or-nothing chance to block the base closing list, Congress chose not to do so. The House voted, 361 to 43, on April 18, 1989 to let that round of closings go ahead.

Some members called the base closing process an abdication of responsibility by elected officials. Others praised the commission for accomplishing what parochial politics otherwise would have made impossible. The comments that both sides made back then are worth reviewing now, as another base closing commission is hard at work.

"This process of taking the elected officials out of the loop on making decisions causes a great deal of alienation out in the general public," then-Representative (and now New Jersey governor) James Florio, a Democrat, said at the time.

Calling the base closing process a "profile of congressional cowardice," House Ways and Means Committee Chairman Dan Rostenkowski, an Illinois Democrat, said, "It makes our constituents back home wonder why we came to Washington. They elected us to make the decisions in their behalf, not to come up with clever devices that allow us to duck those decisions."

On the other side, former Democratic Representative Lud Ashley of Ohio insisted such a commission is "a damn good thing" because "it provides cover."

"There are some things an appointed commission can do with less vulnerability than elected officials," said Ashley, who served on a National Economic Commission that Bush set up early in his administration in an unsuccessful effort to solve the federal deficit.

This year, communities at risk of losing bases have been lining up to make pitches at public hearings of the base closing commission.

Members of Congress, including Californians, who stand to lose their local bases, can do little more than serve as cheerleaders and organizers of the presentations that local delegations are making. Even those members who are helping make a last-ditch pitch for their local bases are not making extravagant predictions of success or offering vows to mount an all-out effort to block the entire list in Congress.

"PEOPLE IN THE AREA UNDERSTAND THAT IT ISN'T just a threat but a real possibility," said Leon Panetta, a Democrat from Carmel Valley, whose Monterey Peninsula district stands to lose 16,000 jobs at Fort Ord. "So it helps to essentially organize the community so they're not only looking at trying to make the best case before the commission but, more importantly, to look at the alternatives we want to explore so the area will be able to come back from this kind of impact."

Nor do all members go even that far to defend their local bases. Representative Tom Campbell, a Republican from Palo Alto — who is running for the Senate on a platform of fiscal frugality — made it clear from the start that he could live with the shutdown of Moffett Field in his district so long as the Pentagon's rationale for closing the base survived close scrutiny. Then again, Moffett is hardly a linchpin of Silicon Valley's high-tech economy or of its suburban lifestyle.

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